

HADDAD

CHARLES HADDAD

APR 18 2006

3/29/2006

Page 1

Page 3

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION

4 CHARLES HADDAD,
5
6 Plaintiff,
7
8 vs. Case No. 04 CV 74932
9 INDIANA PACERS, an assumed name a/k/a
10 PACERS BASKETBALL CORPORATION, an
11 Indiana Corporation, JERMAINE O'NEAL,
12 and ANTHONY JOHNSON,
13 Defendants.

14 VOLUME I

15 DEPONENT: CHARLIE HADDAD
16 DATE Wednesday, March 29th, 2006
17 TIME: 1:10 p.m.
18 LOCATION: 5510 Woodward Avenue
19 Detroit, MI 48202
20 REPORTER: Nikki Hatz, CSR-2377

21 APPEARANCES:
22 MR. L.S. CHARFOOS
23 Charfoos and Charfoos
24 5510 Woodward Avenue
25 Detroit, MI 48202
313-875-8080
Appearing on behalf of Plaintiff.

Page 2

Page 4

1 APPEARANCES: (continued)
2
3 MR. STEVEN M. POTTER
4 Potter DeAgostino O'Dea and Patterson
5 2701 Cambridge Court Suite 223
6 Auburn Hills, MI 48326
7 248-377-1700
8 Appearing on behalf of Defendant,
9 Indiana Pacers.

10 MR. FRANK A. HAMIDI
11 MR. RICHARD M. APKARIAN, JR.
12 Dickinson Wright, PLLC
13 500 Woodward Avenue Suite 4000
14 Detroit, MI 48226
15 313-223-3598
16 Appearing on behalf of Defendant,
17 Jermaine O'Neal.

18 MR. HIDEAKI SANO
19 Miller Canfield Paddock and Stone, PLC.
20 840 West Long Lake Road Suite 200
21 Troy, Michigan 48098
22 248-267-3294
23 Appearing on behalf of Defendant,
24 Anthony Johnson.
25

1
2 I N D E X
3 WITNESS: PAGE
4 CHARLIE HADDAD
5 Examination by Mr. Potter 4
6 Examination by Mr. Hamidi 120
7 Examination by Mr. Sano 139
8 Examination by Mr. Hamidi 140
9 Examination by Mr. Sano 143
10 Re-examination by Mr. Potter 151
11 Re-examination by Mr. Hamidi 154

12
13 E X H I B I T S
14 NUMBER IDENTIFICATION PAGE
15 None Offered.

1 Detroit, Michigan
2 Wednesday, March 29th, 2006
3
4 * * *
5 CHARLIE HADDAD,
6 after having been first duly sworn to tell the
7 truth, the whole truth and nothing but the truth,
8 was examined and testified as follows:

9 E X A M I N A T I O N
10 BY MR. POTTER:
11 Q Would you state your name, please?
12 A Charlie Frank Haddad.
13 Q Charlie is your given name?
14 A Yes.
15 Q C-h-a-r-l-i-e?
16 A Yes.
17 Q Mr. Haddad, my name is Steve Potter. I
18 represent the Indiana Pacers in a lawsuit that you filed
19 against the Indiana Pacers and against Jermaine O'Neal
20 and Anthony Johnson.
21 I'm going to ask you some questions
22 about the allegations in your lawsuit; your general
23 background; your medical background; your medical condition
24 since then; your activities since then and any other subject
25 matter I can think of that is relevant to this action.

1 (Pages 1 to 4)

HADDAD

CHARLES HADDAD

3/29/2006

Page 5

1 If you answer my question I'm going to
 2 assume that you understood it and I'm going to assume your
 3 answer is truthful. Please give a verbal response so that
 4 we get an accurate record of what you had to say here today.
 5 Do you understand those instructions?
 6 A Yes, sir.
 7 Q Your date of birth is August 27th, 1983; is
 8 that correct?
 9 A Yes.
 10 Q You're single?
 11 A Yes.
 12 Q And you have never been married; is that
 13 correct?
 14 A Yes.
 15 Q Do you have any children?
 16 A No.
 17 Q Do you currently live at 9538 East Road,
 18 Burt, Michigan?
 19 A Yes.
 20 Q Is your Social Security Number: 382-04-3150?
 21 A Yes.
 22 Q Are you five foot seven?
 23 A On a good day.
 24 Q On a bad day?
 25 A Five-six.

Page 6

1 Q Your weight currently?
 2 A Around 250.
 3 Q Your weight on November 19th, 2004; do you
 4 know?
 5 A No, sir.
 6 Q On November 19th?
 7 A I lost some weight but I don't know.
 8 Q Since then?
 9 A Yes.
 10 Q On November 19th, 2004, were you living at
 11 9538 East Road in Burt, Michigan?
 12 A Yes.
 13 Q On that day who was living with you at that
 14 address?
 15 A Both my parents and my sister.
 16 Q Parents' names?
 17 A Frank Haddad and Khawla.
 18 Q That's: C-h?
 19 A K-h-a-w-l-a.
 20 Q Say it again. K-h?
 21 A Yes. K-h.
 22 Q A-w?
 23 A L-a.
 24 Q And your sister's name?
 25 A Ann and her husband, Rudy.

Page 7

1 Q What are their last names?
 2 A Rodrigues.
 3 Q How old is your sister?
 4 MR. CHARFOOS: When?
 5 Q Ball park today.
 6 A 25. And her husband's I think 25 too.
 7 Q How old are mom and dad, ball park?
 8 A 65 and 52 my mom.
 9 Q You're, of what type of ethnic background are
 10 you?
 11 A Arabic, Lebanese. But I was born here.
 12 Q You're a U.S. citizen?
 13 A Yes, by birth.
 14 Q Your mom and dad U.S. Citizens?
 15 A No.
 16 Q They have residential alien status. Do they
 17 have a green card?
 18 A Yes, yes.
 19 Q They have a green card?
 20 A Yes, they have been here for 30 years.
 21 Q You went to Chesaning High School; is that
 22 correct?
 23 A Yes.
 24 Q Let me back up for a second.
 25 How long have you lived at the East Road

Page 8

1 address, ball park?
 2 A My whole life.
 3 Q Have you lived continuously at the East Road
 4 address since November 19th, 2004, to the present?
 5 A Yes.
 6 Q Since November 19th, 2004 to the present,
 7 have all of these people lived at that address that you
 8 just identified for me; your sister, brother-in-law and
 9 mother and father?
 10 A Yes.
 11 Q So nobody has moved out for any period of
 12 time since November 19th, 2004 to the present; is that
 13 correct?
 14 A Yes.
 15 Q Has anybody else resided there from
 16 November 19th, 2004 to the present time besides you, your
 17 mom and dad and your sister and brother-in-law?
 18 A They had a baby so.
 19 Q There's an infant there?
 20 A An infant, okay.
 21 Q The infant can't testify. So we care about
 22 the infant but not for this purpose.
 23 A All right.
 24 Q Anybody else?
 25 A No, sir.

2 (Pages 5 to 8)

HADDAD

CHARLES HADDAD

3/29/2006

Page 9

1 Q You went to Chesaning High School; is that
 2 correct?
 3 A Correct.
 4 Q In 2001, you stopped going to Chesaning High
 5 School; is that correct?
 6 A Correct.
 7 Q You obtained a GED; is that correct?
 8 A No, sir.
 9 Q Did you graduate from high school?
 10 A No, sir.
 11 Q You have not obtained a GED either; is that
 12 correct?
 13 A No.
 14 Q That's correct?
 15 A Correct. Had one more class to go to get my
 16 GED. I never went.
 17 Q So you took classes to obtain a GED you did
 18 not complete?
 19 A Correct.
 20 Q Do you have any education beyond high school,
 21 such as trade school or some apprenticeship? I don't
 22 mean -- hold on, let me finish. I don't mean formal
 23 education. I mean it could be technical education. It
 24 could be an apprenticeship. It could be a trade school,
 25 anything?

Page 10

1 A Yes, I took classes for like technical
 2 support.
 3 Q What kind of support?
 4 A Like electricity.
 5 Q Where did you take those classes?
 6 A It wasn't like, you know, actual classes you
 7 go to. But it was like somebody taught me how they were
 8 actually certified.
 9 Q So you had some on-the-job training with
 10 somebody?
 11 A Correct.
 12 Q In electrical or electronics?
 13 A Electronics.
 14 Q What was that person's name?
 15 A I don't recall.
 16 Q When was this?
 17 A This was probably like a month after high
 18 school.
 19 Q How long did the training last for?
 20 A I don't remember, sir.
 21 Q Was it less, more or less than six months?
 22 A Less.
 23 Q More or less than two months?
 24 A Around two months.
 25 Q The person who did this training for you had

Page 11

1 some type of certification?
 2 A Yes.
 3 Q Why were you being trained by this person?
 4 A Well, I was, I said -- you know, I was in my
 5 parents' business. We sell cell phone. We sell like a
 6 lot of beer, liquor, wine. And with cell phones I was
 7 kind of the one that was kind of running it, so.
 8 Basically if there's any technical problems with any
 9 phone screen I was going -- I was the one that was going
 10 to solder the screen on, fix it, open it up and look at
 11 the computer board.
 12 Q The person that did this training, was it a
 13 manufacturer's representative from one of the telephone
 14 companies or someone you just happen to know?
 15 A I just know him.
 16 Q Other than this training in cell phone
 17 technology, is that a good way to phrase it? It was a
 18 cell phone technology? That's what it sounds like to me
 19 anyway.
 20 A Yes, yes.
 21 Q Other than this cell phone technology, have
 22 you had any education of any type, whether formal or
 23 informal, since you stopped going to Chesaning High
 24 School?
 25 A No. Really don't remember actually. It was

Page 12

1 about four or five years ago.
 2 Q You don't remember what?
 3 A If I did or not. Like I mean if I took
 4 classes on the internet I don't really remember.
 5 Q Are you contending you have long term memory
 6 deficits or problems?
 7 A Yes.
 8 Q Are you contending you have short term memory
 9 problems?
 10 A Yes.
 11 Q I assume you are contending you have these
 12 memory deficits because of the incident at the Palace?
 13 A Yes.
 14 Q Okay. In your Interrogatory Answers or at
 15 least your Interrogatory Questions, question three asked
 16 you to state: Your employment for each of the last 15
 17 years, listing each employer beginning with the present
 18 or most recent.
 19 You listed one employer and that's Burt
 20 Enterprises from May of 2003 to November 19th of 2004. Is
 21 that the only employer that you have worked for since you
 22 left Chesaning High School?
 23 A No. My family has a business. We have a
 24 couple different businesses but that's the one that
 25 actually was paying me.

3 (Pages 9 to 12)

HADDAD

CHARLES HADDAD

3/29/2006

Page 13

1 Q Burt Enterprises is?
 2 A Is Good Times Market. That's my parents'
 3 business.
 4 Q And my question was: Is that the only --
 5 strike that.
 6 Working for your parents' business, is
 7 that the only job that you have had since you left Chesaning
 8 High School in 2001?
 9 A Yes.
 10 Q Good Times Market did you say?
 11 A Correct.
 12 Q Is that located at 9538 East Street, Burt,
 13 Michigan?
 14 A Yes. Our house is like right next door to
 15 it.
 16 Q Okay. So is the Good Times Market a store?
 17 A It's like a party store, yes.
 18 Q You call it a party store?
 19 A Convenience store.
 20 Q Convenience store. okay.
 21 How long has that business been --
 22 strike that.
 23 How long has that convenience store been
 24 there?
 25 A About 28, 30 years.

Page 14

1 Q That's a family business I assume then?
 2 A Yes.
 3 Q Let's talk about your family. There's your
 4 mom and dad and sister named Ann, correct?
 5 A Yes.
 6 Q Do you have any other siblings; brothers or
 7 sisters?
 8 A Two others.
 9 Q Male? Well, let's talk about are they
 10 brothers?
 11 A No, one is a male, one is a female.
 12 Q So one would be a brother?
 13 A Yes.
 14 MR. CHARFOOS: He'll get it straight.
 15 Be patient with him.
 16 Q What's the brother's name?
 17 A Fouad: F-o-u-a-d.
 18 Q What's the sister's name?
 19 A Rose Ann. She's married and her last name is
 20 Sadia.
 21 Q Spell it.
 22 A S-a-d-i-a. I really don't. I think.
 23 Q Close enough.
 24 A Yes, close enough.
 25 Q How old is Fouad, ball park?

Page 15

1 A 28.
 2 Q How old is Rose?
 3 A 27.
 4 Q On November 19th, 2004, where did Fouad live;
 5 city?
 6 A Yes. I think it's like Auburn Hills.
 7 Q Where did Rose live?
 8 A Sterling Heights.
 9 Q I know I asked you this but I'm going to ask
 10 you again. Since November 19th, 2004, have you ever
 11 lived with Fouad or Rose?
 12 A No.
 13 Q Is Fouad employed by Burt Enterprises, Inc.?
 14 A Don't know.
 15 Q Does Fouad ever work at the store?
 16 A He has.
 17 Q When is the last time Fouad worked at the
 18 store?
 19 A Don't know.
 20 Q How about Rose? Well, let me back up for a
 21 second.
 22 Has Fouad worked at the store since
 23 November 19th, 2004 to the present; since the night of the
 24 brawl to the present?
 25 A No.

Page 16

1 Q Has Rose worked at the store since the night
 2 of the brawl to the present?
 3 A You know what, I really don't know either one
 4 of these questions because they might have helped out
 5 when my parents had to go somewhere but I don't know.
 6 I'm hardly in the store.
 7 Q Let me just follow up on that comment for a
 8 second.
 9 A We had a store like about a mile away from
 10 the Palace in Auburn Hills.
 11 MR. CHARFOOS: There's two stores.
 12 Q There's a second party store or convenience
 13 store?
 14 A Yes.
 15 Q What's the name of that?
 16 A Star Market.
 17 Q Where is that located?
 18 A On Joslyn Road.
 19 Q And what?
 20 A In Auburn Hills.
 21 Q What cross street?
 22 A Auburn Hills, Joslyn and 75.
 23 Q Is that the one that is torn down and is
 24 being rebuilt on the corner there where the access to the
 25 Big Boy is?

HADDAD

CHARLES HADDAD

3/29/2006

Page 17

1 A Oh, no. It's about a quarter mile off of the
 2 access.
 3 Q Quarter mile north?
 4 A I'm not familiar.
 5 Q When you get off the freeway, when you come
 6 off I-75 do you turn right or left off Joslyn?
 7 A You take the exit, you go north. You don't
 8 go north. You go east. East. You get off on exit 83.
 9 You get off it's going to be on your right-hand side.
 10 Q My office is right there.
 11 A You know what, the construction is at -- I
 12 stopped before because knowing where that construction.
 13 Q Right.
 14 A You have to go after like Kmart and you go up
 15 like the railroad tracks.
 16 Q So you're going towards Pontiac?
 17 A I don't know.
 18 Q I'll find it. Never mind. I'll drive by it
 19 some day.
 20 MR. CHARFOOS: Buy something.
 21 MR. POTTER: Can I contact your
 22 client to buy something?
 23 THE WITNESS: Call. We'll just give
 24 it to you.
 25 MR. POTTER: Just give to it me. Off

Page 18

1 the record.
 2 (Discussion held off the record.)
 3 A You know where the store we closed down. I
 4 know they been robbed a couple times. It's right before
 5 there.
 6 Q I'm right at University and I-75, that's why.
 7 A Okay.
 8 Q Okay. So I was going to ask. You get into
 9 the business Burt Enterprises, Inc. What is the business
 10 of Burt Enterprises, Inc., other than these two party
 11 stores? Is there any other business of that corporation?
 12 A I really don't know.
 13 Q Are you a shareholder in the corporation?
 14 A No.
 15 Q Are you an officer of the corporation, to
 16 your knowledge?
 17 A No.
 18 Q Is the corporation primarily comprised of
 19 your mom and dad?
 20 A I don't know. I don't know anything about
 21 the corporation.
 22 Q So you don't know who the shareholders are or
 23 who the officers are?
 24 A No.
 25 Q When you receive a paycheck does it come from

Page 19

1 Burt Enterprises, Inc.?
 2 A Yes.
 3 Q As far as you know Burt Enterprises, Inc.
 4 owns the Good Times Market and the Star Market. Is that
 5 a fair statement?
 6 A I think Star Market is under Star Market.
 7 Q Okay.
 8 A That might be a different tax I.D. or
 9 something.
 10 Q Do you understand your dad to have
 11 involvement in both businesses though?
 12 A Correct.
 13 Q Does your dad kind of oversee both
 14 businesses?
 15 A Yes, he basically does everything, all the
 16 taxes and anything that, any control he does it.
 17 Q Your dad operates the businesses, correct?
 18 A Correct.
 19 Q You work at Star Market currently; is that
 20 what you're trying to tell me?
 21 A No. I worked at Good Times which is Burt
 22 Enterprises.
 23 Q Well, a second ago you said you were hardly
 24 at the Good Times store.
 25 A Well, I live right next door. I mean I don't

Page 20

1 have to work to go in there and grab a pop or maybe.
 2 Q Are you currently working?
 3 A Very little.
 4 Q Where are you working when you work?
 5 A At Good Times.
 6 Q On November 19th, 2004, were you working?
 7 A Good Times.
 8 Q When did you begin working at Good Times for
 9 the first time?
 10 A I don't recall.
 11 Q Your Answers to Interrogatories say May of
 12 2003. Does that sound about right?
 13 A Yes.
 14 Q You never worked at Good Times while you were
 15 going to high school and living next door?
 16 A I helped out.
 17 Q Did you get paid for that?
 18 A I don't remember. I mean the whole store is
 19 my parents, so if I ever need anything I can go in there
 20 and grab any money I want. They just write it down and
 21 we'll worry about it later.
 22 Q Okay.
 23 MR. POTTER: Off the record.
 24 (Discussion held off the record.)
 25 Q Sounds like a pretty good gig if I was a 16

5 (Pages 17 to 20)

HADDAD

CHARLES HADDAD

3/29/2006

Page 21

1 year old kid.
 2 A It's like a jail and a business. You know
 3 what I mean. My parents are in there constantly. I
 4 tried to help out as much as I could. They're getting
 5 older.
 6 Q At some point in time you took a job or you
 7 started working there on a regular basis, correct?
 8 A Yes.
 9 Q According to your Answers it says May 2003,
 10 through the night of the brawl at the Palace. Does that
 11 sound about right to you?
 12 A Yes. I don't even remember when I filled
 13 that out, that Interrogatory.
 14 Q Do you know how much you were earning during
 15 that period of time?
 16 A No, I don't.
 17 Q You don't know what your salary was?
 18 A No.
 19 Q I subpoenaed some records from Burt
 20 Enterprises. Those records indicate that your gross was
 21 two numbers. Primarily 800 a month. Does that sound
 22 right?
 23 MR. CHARFOOS: For what year?
 24 There's different numbers for different years.
 25 Q 2003. It looks like your gross was 800 a

Page 22

1 month, sometimes 600 a month. Generally 800 a month.
 2 Does that sound about right?
 3 A Yes.
 4 Q These records also indicate that in 2004,
 5 your gross was also 800 a month. Does that sound about
 6 right?
 7 A Yes. I mean is that including -- because I
 8 get like the car free and gas and anything I want in
 9 there. So that's what, that's all benefits.
 10 Q Your gross wages were 800 a month?
 11 A Correct.
 12 Q So you were getting fringe benefits too?
 13 A Yes.
 14 Q Those fringe benefits were what, besides all
 15 the -- first off, was it all the money you could take out
 16 of the till?
 17 A No.
 18 Q That ended?
 19 A Whatever money we took, we wrote down. We
 20 figure out at the end of the week.
 21 Q So you got a car?
 22 A A car.
 23 Q That was paid for by Burt Enterprises?
 24 A Correct.
 25 Q What kind of car?

Page 23

1 A By my father. That car during that time?
 2 Q Yes, while you were working there from May of
 3 '03.
 4 A '99 Escalade.
 5 Q Through nine of '04 what kind of car did you
 6 have?
 7 A It was a '99 Escalade.
 8 Q Did you get any other benefits, like health
 9 insurance or life insurance or dental?
 10 A I mean if there's any food I took out I wrote
 11 down.
 12 Q Okay.
 13 A That was all like, you know, if there was
 14 like vacations, all that.
 15 Q Do you still have the '99 Escalade?
 16 A No, sir.
 17 Q What happened to it?
 18 A I sold it.
 19 Q When?
 20 A Year, two years ago.
 21 Q Why?
 22 A I just -- I don't remember actually.
 23 Q What are you driving now?
 24 A I don't really drive but if I do drive
 25 there's a couple different cars I drive.

Page 24

1 Q When you do drive, what cars are you driving?
 2 A They have a Ford Explorer.
 3 Q What year?
 4 A 2004. 2005.
 5 Q Whose car is that?
 6 A My parents.
 7 Q What else?
 8 A I don't know. I really -- I don't know what
 9 their names or titles are. It's either my mom or my dad.
 10 Q What other car?
 11 A Escort van.
 12 Q Ford makes a van called an Escort?
 13 A Yes, it's an older car. Or I don't know what
 14 the year is exactly. 1990 Cadillac.
 15 Q So are all these vehicles to your knowledge
 16 owned by your parents or the business?
 17 A I think. I don't really know.
 18 Q Have you worked at the Good Times Market
 19 after the brawl at the Palace?
 20 A Yes.
 21 Q You currently work there today to some
 22 degree?
 23 A Yes.
 24 Q How many hours a week are you currently
 25 working at the Good Times Market?

6 (Pages 21 to 24)

HADDAD

CHARLES HADDAD

3/29/2006

Page 25

1 A It all varies.
 2 Q Ball park it. More than ten, less than ten?
 3 A On a good day or a bad day?
 4 Q You tell me on a good day how many hours are
 5 you working?
 6 A Four or five.
 7 Q On a bad day how many hours do you work?
 8 A If I go in one or two, it all depends, you
 9 know, how many hours I can tolerate.
 10 Q I assume you're telling me that you can't
 11 tolerate additional hours because of the injuries you
 12 allege you sustained in the brawl on November 19th?
 13 A Yes.
 14 Q After the brawl did you ever work full-time
 15 at the store? Strike that.
 16 Before the brawl were you working what
 17 you deemed to be or considered to be full-time at the store?
 18 A Was I ever?
 19 Q Before the brawl.
 20 MR. CHARFOOS: Before you were hurt.
 21 Q Before you were hurt. It's the same night
 22 you were hurt at the brawl.
 23 A Okay.
 24 Q Before the night of the fight at the Palace,
 25 were you working what you considered to be full-time at

Page 26

1 the Good Times Market?
 2 A Yes.
 3 Q How many hours a week was full-time at the
 4 Good Times Market for you?
 5 A I be there six, seven days a week, whatever
 6 was needed. Five if we needed five days a week.
 7 Q How many hours a week would that be,
 8 approximately?
 9 MR. CHARFOOS: What time did you come
 10 in; what time did you leave?
 11 A Probably get there about nine o'clock in the
 12 morning, do everything in the store and leave at eight,
 13 nine.
 14 Q After the night of the incident at the Palace
 15 did you continue working these hours for any period of
 16 time?
 17 A No. I took a couple months off.
 18 Q So after that night you immediately took a
 19 couple months off, is that your testimony?
 20 A Like right after that night, yes, I didn't
 21 work for a couple months.
 22 Q Then when you went back to work were you ever
 23 working full-time prior to what you -- prior to today?
 24 Before today, had you ever worked full-time at the market
 25 after the brawl?

Page 27

1 A Like one day full-time or the whole month
 2 because -- no.
 3 Q On a weekly basis full-time employment?
 4 A 40 hours a week?
 5 Q Yes.
 6 A Maybe once every couple months or once every
 7 month or something. I'm constantly in the store but I'm
 8 not doing the things -- we have another guy that is
 9 helping out.
 10 Q What's the other guy's name?
 11 A The other guy's name is Rudy, my
 12 brother-in-law.
 13 Q Rudy Rodrigues?
 14 A Yes.
 15 Q On the day prior to the brawl at the Palace,
 16 who worked at Good Times Market?
 17 A I don't remember.
 18 Q Did your mom and dad work there?
 19 A I imagine. They both open up. They're
 20 always at the store every day.
 21 Q You worked there?
 22 A You said who worked in that store before
 23 that?
 24 Q Yes.
 25 A Yes, me, my mom and dad, Ann.

Page 28

1 Q Okay.
 2 A I don't remember really any other names.
 3 Q Does anybody work in that store that is not a
 4 family member?
 5 A Yes. There's Ray.
 6 Q What's his last name?
 7 A Cruise: C-r-u-i-s-e. Are you talking about
 8 now or before?
 9 Q Let's talk now.
 10 A Yes, okay. Ray. And then there's Pete.
 11 Q What is Pete's last name?
 12 A Asmary.
 13 Q Say it again?
 14 A Asmary.
 15 Q Where does Ray live?
 16 A Well, he lives back and forth with his mom
 17 and dad. I don't know.
 18 Q Town?
 19 A Birch Run.
 20 Q What town does Pete live in?
 21 A Grand Blanc. I think. I don't -- either
 22 Grand Blanc or Birch Run too.
 23 Q On November 19th or -- strike that.
 24 The day before November 19th, 2004, were
 25 there any non family members working at the store?

7 (Pages 25 to 28)

HADDAD

CHARLES HADDAD

3/29/2006

Page 29

1 A Yes. Ray. Ray was.
 2 Q And Pete?
 3 A No.
 4 Q Was there anybody else besides Ray; nonfamily
 5 member?
 6 A Not that I remember.
 7 Q So based on what you remember today, you have
 8 told me that the day before the brawl you worked at the
 9 store. I don't mean were actually there. I mean in
 10 general.
 11 A Yes.
 12 Q You worked at the store. Your mom and dad
 13 worked at the store.
 14 A Yes.
 15 Q Ann worked at the store and Ray worked at the
 16 store.
 17 A Before that I remember, yes.
 18 Q That sound about?
 19 A Yes.
 20 Q Can you think of anybody else besides those
 21 five people that worked at the store before the brawl?
 22 A Not.
 23 Q Then after the brawl you have indicated to me
 24 that your mom and dad worked there?
 25 A Uh-huh.

Page 30

1 Q Yes?
 2 A Yes.
 3 Q You work there to the extent you can?
 4 A Yes.
 5 Q Ray and Pete both work there?
 6 A Uh-huh.
 7 Q Yes?
 8 A Yes.
 9 Q And Rudy and Ann both work there?
 10 A Yes.
 11 Q Can you think of anybody else that has worked
 12 at that store since the brawl besides the names I just
 13 listed?
 14 A No.
 15 Q The records from your dad indicate he
 16 continued to pay you \$800 a month through 2005. Does
 17 that sound about right?
 18 A Where did you get that again from, sir?
 19 Q Your dad.
 20 A My dad. So whatever he said.
 21 Q I'm asking you if that sounds right.
 22 A If he paid me \$800 a month?
 23 Q At least May through the end of 2005, he paid
 24 you every month \$800 a month. Does that sound correct?
 25 A Yes.

Page 31

1 Q With the exception of December it was 600.
 2 So even though you were working far less than you worked
 3 prior to the brawl, your dad continued to pay you the
 4 same wage; is that fair? Is that a fair statement?
 5 A Yes.
 6 Q Have you ever worked at the Star Market since
 7 the brawl?
 8 A Like before?
 9 Q After the night of the fight have you ever
 10 worked at the Star Market?
 11 A You know, help out in there but I don't
 12 actually get paid for it. But, no.
 13 Q How many times a week do you go down to the
 14 Star Market to help out currently?
 15 A Whenever I drive by. All my family lived
 16 down there. So if I'm going there maybe like Tuesday or
 17 Wednesday during the week I'll stop out if they need
 18 anything.
 19 Q When you say all your family lives down
 20 there, do you mean your brother Fouad and your sister
 21 Rose?
 22 A Yes.
 23 Q Do your mom and dad still live in the house
 24 next door to the Burt?
 25 A Yes.

Page 32

1 Q Is there any other family down there
 2 quote/unquote, as you indicated, by the Star Market
 3 besides your brother who lives in Auburn Hills and your
 4 sister who lives in Sterling Heights?
 5 A No.
 6 Q Grandparents?
 7 A No, sir.
 8 Q Cousins?
 9 A No.
 10 Q So when you said "your family lives down
 11 there" you meant your brother?
 12 A And sister. I mean you got her brother and
 13 her husband, which is my brother-in-law, and his family
 14 that I go see sometimes, which is my brother's wife Diana
 15 and her family too.
 16 Q Fouad's wife is Diana?
 17 A Yes.
 18 Q And Rose's husband is who?
 19 A Kris with a K.
 20 Q Do they have children; Kris and Rose?
 21 A Yes.
 22 Q How many?
 23 A One each.
 24 Q What are their ages?
 25 A They'll both be one tomorrow.

8 (Pages 29 to 32)

HADDAD

CHARLES HADDAD

3/29/2006

Page 33

1 Q Twins?
 2 A No, they were actually born like one day
 3 apart.
 4 MR. CHARFOOS: That's different.
 5 THE WITNESS: Yes, they go on
 6 vacations together, you know.
 7 MR. POTTER: Anybody following that?
 8 A Go on vacation.
 9 Q Rose and Kris have two infants born a day
 10 apart?
 11 A One, and Fouad has another.
 12 Q Okay. I got you. I wasn't the one that was
 13 confused.
 14 MR. APKARIAN: They both got pregnant
 15 at the same time on those vacations.
 16 MR. CHARFOOS: I'm following you.
 17 Q How often do you go down to see your brother
 18 and sister on a weekly basis, one or the other, how often
 19 do you go see them on a weekly basis?
 20 MR. CHARFOOS: In all fairness, since
 21 the brawl?
 22 MR. POTTER: I mean today.
 23 MR. CHARFOOS: Currently?
 24 A Once every couple weeks.
 25 Q You drive down?

Page 34

1 A 50 percent of the time.
 2 Q The other 50 percent of the time?
 3 A I will go with my cousin.
 4 Q Who is that?
 5 A Shatha her name is.
 6 Q Spell that.
 7 A S-h-a-t-h-a. She lives a block away from our
 8 store in Burt.
 9 Q What is her last name?
 10 A Z-u-r-i-g-a-t.
 11 Q How old is she?
 12 A 20.
 13 Q Do you have any other cousins that live
 14 around you in Burt besides --
 15 A They got, she has -- I got four other cousins
 16 that's her sisters.
 17 Q There's five girls in her family?
 18 A Correct.
 19 Q So she has four sisters. Do you hang out
 20 with any of the four sisters?
 21 A Just, only just Shatha.
 22 Q All right.
 23 A There's one sister Julianna. She lives in
 24 Birch Run, which is like ten minutes away. That's the
 25 one I spend the most of my time with. She has two

Page 35

1 babies.
 2 Q What's her name?
 3 A Julianna.
 4 Q What is her last name?
 5 A Same last name.
 6 Q So Julianna is the sister of?
 7 A Shatha.
 8 Q You spend a lot of time with Julianna?
 9 A Julianna or Shatha. Whenever I go through
 10 Birch Run I stop and see the kids.
 11 Q Are they in different homes?
 12 A Yes.
 13 Q Julianna and Shatha?
 14 A Shatha lives in Burt a block away from the
 15 store. Julianna lives in Birch Run.
 16 Q Does Shatha have a husband?
 17 A No.
 18 Q Does Julianna have a husband?
 19 A No.
 20 Q She has two children though?
 21 A Yes.
 22 Q Does she have a boyfriend you're friends
 23 with?
 24 A Yes.
 25 Q What is his name?

Page 36

1 A Chuck. His real name is Charles.
 2 Q Last name?
 3 A I don't recall.
 4 Q Do you hang out with him?
 5 A I don't really hang out with them. I just
 6 stop by but --
 7 Q Any other family that you see with any
 8 regularity in the area of Burt or Auburn Hills or
 9 Sterling Heights?
 10 A No.
 11 Q Who runs the Star Market, your brother?
 12 A Brother or my brother-in-law Kris.
 13 Q They both work there?
 14 A Yes.
 15 Q Is that their responsibility, that store?
 16 A Yes.
 17 MR. CHARFOOS: Having fun?
 18 MR. POTTER: No.
 19 MR. CHARFOOS: Done this before, have
 20 you?
 21 Q How many times did you have an arrest for
 22 being a minor in possession of alcohol?
 23 MR. CHARFOOS: Arrest or conviction?
 24 MR. POTTER: Arrest.
 25 MR. CHARFOOS: I'll object to that.

9 (Pages 33 to 36)

HADDAD

CHARLES HADDAD

3/29/2006

Page 37

1 For the record I don't know any relevance for
 2 arrest.
 3 A I don't remember. I don't know, maybe one,
 4 two. I don't remember.
 5 Q Could it be more than two?
 6 A Maybe.
 7 Q How many M.I.P. convictions do you have that
 8 you know of?
 9 MR. CHARFOOS: What does that stand
 10 for?
 11 THE WITNESS: Minor in possession.
 12 A Yes. I don't remember.
 13 MR. CHARFOOS: Again, same objection.
 14 A I know it was one or two maybe. I know one
 15 for sure I was convicted of.
 16 Q Do you have any other alcohol related arrests
 17 other than the M.I.P. arrest in your background that you
 18 can remember?
 19 A There was one. I mean if minor in possession
 20 is -- I don't really know my whole record. But I know my
 21 car was searched and I had open intox.
 22 Q Is that while you were a minor?
 23 A Yes, and I think that was the one I was
 24 convicted. That was on my record.
 25 Q Do you have any other alcohol related arrests

Page 38

1 or convictions?
 2 A I don't remember.
 3 Q Do you have any other police contact that
 4 resulted in arrest that was not alcohol related?
 5 MR. CHARFOOS: Same objection.
 6 Arrest has no probative value.
 7 Q Go ahead. You can answer.
 8 MR. CHARFOOS: Police contact.
 9 MR. POTTER: No, that resulted in
 10 arrest I said.
 11 MR. CHARFOOS: That you were arrested
 12 I guess, taken away.
 13 A No. I mean I know of one time like I got --
 14 my car was searched. It was --
 15 MR. CHARFOOS: Other than that one?
 16 Q Other than that one.
 17 A No, no.
 18 Q Have you ever been arrested for a felony?
 19 A No.
 20 Q Have you ever been arrested for a misdemeanor
 21 that involves theft and dishonesty or dishonesty?
 22 A No. Theft and dishonesty. Like describe it.
 23 Like me stealing something or me like --
 24 Q Theft would mean stealing something.
 25 Dishonesty would mean you obtaining something under false

Page 39

1 pretenses let's say.
 2 MR. APKARIAN: Fraud.
 3 Q Fraud.
 4 A Maybe that one time I got arrested. They put
 5 six convictions on my record.
 6 Q They put six what?
 7 A Six tickets and they --
 8 Q Is this the M.I.P. thing?
 9 A Yes. See, I don't know about it.
 10 Q I don't care about that.
 11 A No, no.
 12 Q I want to know beyond that at this point.
 13 A No.
 14 Q No shoplifting?
 15 A No, sir.
 16 Q No theft of any type?
 17 MR. CHARFOOS: Why would he have to
 18 shoplift with that family?
 19 A No.
 20 Q Have you ever been a plaintiff or a defendant
 21 in any other lawsuits besides this one?
 22 A No, sir.
 23 Q Prior to the night of the incident at the
 24 Palace were you under the care of a physician for any
 25 reason before that night?

Page 40

1 MR. CHARFOOS: Did you have any
 2 medical conditions you needed to see a doctor?
 3 THE WITNESS: No.
 4 MR. CHARFOOS: You talk too much like
 5 a lawyer. I'll translate.
 6 THE WITNESS: Yes.
 7 Q Did you have any medical condition that you
 8 were aware of, of any type, prior to the night of the
 9 brawl at the Palace, whether it be asthma, whether it be,
 10 you know. What do kids have, diabetes, any type of
 11 disease or disability of any type?
 12 A No, no.
 13 Q You considered yourself to be a healthy
 14 individual?
 15 A Yes.
 16 Q How old were you on the night of the brawl at
 17 the Palace?
 18 A 21.
 19 Q Your 21st birthday was when?
 20 A August 7th.
 21 Q At what age did you start drinking alcoholic
 22 beverages; alcohol or beer or wine?
 23 A Don't remember. I don't.
 24 Q Were you in high school when you started
 25 drinking?

10 (Pages 37 to 40)

HADDAD

CHARLES HADDAD

3/29/2006

Page 41

1 A Yes.
 2 Q Have you ever been counseled for alcohol
 3 abuse?
 4 A Yes.
 5 Q When?
 6 A My last one was because of the Palace ordeal.
 7 Q What about before that?
 8 A Before that I don't remember if I had to.
 9 Q Well, as part of your M.I.P. sentence one can
 10 reasonably assume that you would have been sentenced to
 11 some type of alcohol counseling.
 12 A Before I was going to that at the M.I.P. I
 13 just want to tell the judge I was going for counseling
 14 but that was for like everything. It wasn't just
 15 alcohol.
 16 Q There was other substance abuse involved?
 17 A No, but it was like -- this is like -- I
 18 don't really remember what I had to go there for but I
 19 went there a couple times to complete the class and most
 20 of it was for alcohol.
 21 Q How about was any of it for anger management?
 22 A No.
 23 Q So is the only alcohol substance -- strike
 24 that.
 25 Is the only substance abuse counseling

Page 42

1 you have had prior to the night of the brawl at the Palace
 2 counseling -- which means before the night at the Palace.
 3 A Yes.
 4 Q Counseling arising out of your M.I.P.
 5 conviction?
 6 A Yes.
 7 Q No other alcohol counseling of any type
 8 before the night at the Palace?
 9 A That I remember.
 10 Q Do you know what court your M.I.P. conviction
 11 was out of; was it district court up in the Burt area?
 12 A No. I don't remember.
 13 Q Do you know where you were arrested, by what
 14 community?
 15 A No, I don't.
 16 Q Prior to the night at the Palace what were
 17 your drinking habits with regard to alcohol, beer or
 18 wine? How frequently did you drink?
 19 A Like very, if I go out to eat or something, a
 20 steak or something, I get a glass of wine. But other
 21 than that I was never out there to get drunk or to, you
 22 know, no.
 23 Q So before the night at the Palace you
 24 characterize your drinking habits as a social drinker?
 25 A Like basically like once or twice a week

Page 43

1 whenever I go out. You know, with buddies, yes. Very
 2 little.
 3 Q What would you normally drink, what type of,
 4 what was your beverage of choice? I don't mean brand I
 5 mean --
 6 A Wine probably.
 7 Q Wine?
 8 A Yes.
 9 Q So your preference, your alcohol of choice
 10 was wine?
 11 A Wine or liquor.
 12 Q What kind of liquor: Whiskey, Scotch, Vodka,
 13 Gin?
 14 A No. Maybe Absolute or something. I mean
 15 beer, whatever. Whatever is there. I'm not the one
 16 buying it or the actual one that had to go to the store
 17 and get something.
 18 Q I wasn't talking about that. I was talking
 19 about the time you told me about when you were out at
 20 dinner with friends and you had something to drink.
 21 Would you normally drink wine, beer, alcohol?
 22 A Wine.
 23 Q When would you drink the Absolute?
 24 A If I went somewhere to, let's say, you know,
 25 gathering, you know, poker party or whatever.

Page 44

1 Q Would you mix that Absolute or drink it
 2 straight?
 3 A Mix it. Sprite.
 4 Q So let's say in the month prior to the
 5 Palace, how many drinks do you think you would have in a
 6 month before the event at the Palace?
 7 A One or two. I mean when I was young I used
 8 to drink here and there just being.
 9 Q Let me understand this. You think 21 is old?
 10 MR. SANO: In his youth.
 11 Q So when you were young?
 12 A When I was younger, like high school ages,
 13 you know. You know, like I had two friends that died in
 14 drinking, so like everybody stopped completely drinking
 15 at like whatever. If we did it was very light.
 16 Q They died in a car accident?
 17 A Yes.
 18 Q What were their names?
 19 A Do I really have to give you all that? It's
 20 like personal stuff.
 21 Q It's not personal. It's public record. Who
 22 died in a car accident?
 23 A R-y-a-n-n is one.
 24 Q Female or male?
 25 A Female.

11 (Pages 41 to 44)

HADDAD

CHARLES HADDAD

3/29/2006

Page 45

1 Q Last name?
 2 A It was Lupilo.
 3 Q Was she a high school friend?
 4 A Yep.
 5 Q And the other person?
 6 A Tracy.
 7 Q Last name?
 8 A Barreo.
 9 Q Spell it.
 10 A I don't know how.
 11 Q What's it start with?
 12 A B.
 13 Q High school friend?
 14 A Yes.
 15 Q Chesaning High School?
 16 A Yes.
 17 Q In the same grade as you?
 18 A Ryann wasn't. She went to a different school
 19 but she was a neighbor.
 20 Q What school did Ryann go to?
 21 A I think Montrose.
 22 Q Chesaning was where Tracy went?
 23 A Yes.
 24 Q Was she in the same grade as you?
 25 A Yes.

Page 46

1 Q Did they die in the same car accident?
 2 A No.
 3 Q Separate car accidents?
 4 A Yes.
 5 Q So which one did you stop drinking after?
 6 A I really wasn't a big drinker but very like
 7 completely -- Ryann was the first one and Tracy was the
 8 last one. But after Ryann it was completely everything.
 9 Q How many fights had you been in since the age
 10 of 16 forward, physical fistfights?
 11 A Zero. Never punched no one. Or got any.
 12 MR. CHARFOOS: You answered the
 13 question.
 14 Q You said you never have been to any anger
 15 management counseling; no?
 16 A Been to one.
 17 Q Where was that; after the brawl?
 18 A Yes.
 19 Q Part of the sentence at the Palace?
 20 A Correct.
 21 Q Prior to the event at the Palace had you ever
 22 been to any anger management counseling or classes?
 23 A I don't remember.
 24 Q You might have, you may not have, you just
 25 don't remember?

Page 47

1 A Yes.
 2 Q If you hadn't been in any fights prior to the
 3 night at the Palace why would the possibility exist that
 4 you went to anger management classes before that night?
 5 A Well, being on the court and getting what I
 6 don't think I should, I should go to anger management
 7 classes.
 8 MR. CHARFOOS: I think we're talking
 9 about separate --
 10 MR. POTTER: I don't think we're
 11 communicating.
 12 Q Before the night of the Palace had you ever
 13 gone to anger management classes?
 14 A No, no, that I remember.
 15 Q Well, you remember that you hadn't been in
 16 any fights?
 17 A I didn't get in a fight down at the Palace.
 18 MR. CHARFOOS: Wait.
 19 Q Let me finish my question.
 20 You remember you had not been in any
 21 fights prior to the night of the Palace. I asked you how
 22 many fights you've ever been in since you were 16. You said
 23 none, correct?
 24 A Yes.
 25 Q Why would you have had to go to anger

Page 48

1 management classes before the night of the Palace? There
 2 would have been no reason, correct?
 3 A Correct, but down here in Auburn Hills I
 4 didn't get in awhile and I still had to go to anger
 5 management.
 6 MR. CHARFOOS: I don't --
 7 A The judge at the time of the M.I.P., she
 8 might have said: Go to anger management classes down
 9 here. I had to go to anger management classes for no
 10 reason but I still dealt with it.
 11 Q The night of the Palace, the night of the
 12 brawl -- let me back up a second. How long -- strike
 13 that.
 14 Did you ever have season tickets to the
 15 Detroit Pistons?
 16 A Yes, sir.
 17 Q When did you first get season tickets to the
 18 Pistons?
 19 A The year they won. I think it was in 2004.
 20 I bought a half a year. And then --
 21 Q Is that before?
 22 A Before that year.
 23 Q The year they won the championship?
 24 A 2003 or 2004.
 25 Q The year they won the championship, the

12 (Pages 45 to 48)

HADDAD

CHARLES HADDAD

3/29/2006

Page 49

1 current team you had bought half a season ticket?
 2 A For the remaining, yes.
 3 Q For that year?
 4 A Yes.
 5 Q How many seats did you buy?
 6 A Two.
 7 Q Did you continue those season tickets in
 8 those two seats the following year?
 9 A They upgraded me the following year.
 10 Q The following year would have been 2004, the
 11 year of the brawl, correct?
 12 A Yes, sir.
 13 Q So you went from two seats in 2003, to better
 14 seats in 2004?
 15 A Correct, sir.
 16 Q Where were the seats in 2003?
 17 A It was behind the backboard. I don't
 18 remember what side or what.
 19 Q What were the seat numbers of your tickets
 20 that they upgraded you to in 2004?
 21 A It was still behind the backboard. It was a
 22 couple more rows up.
 23 Q Up or towards the floor?
 24 A Down.
 25 Q What did those tickets cost you the year of

Page 50

1 2004?
 2 A I don't remember. Maybe four or 5,000.
 3 Q Per seat?
 4 A No, together.
 5 Q Where does a guy making \$800 a month get five
 6 grand to spend on Pistons tickets?
 7 A I love the Pistons. I had -- my mom gave
 8 them to me. That was I think was one of the benefits.
 9 Q One of the benefits of working at the store
 10 was season tickets to the Pistons?
 11 A Yes.
 12 Q Yes?
 13 A Yes.
 14 Q And your mom paid for those, correct?
 15 A Correct.
 16 Q Did you sell the other seat to somebody or
 17 did you just take who you wanted to go to the games with?
 18 A More likely, you know, a customer or either a
 19 friend, whoever would go.
 20 Q There was nobody you took that was a
 21 consistent companion?
 22 A No, sir.
 23 Q When did you meet Mr. Shackelford?
 24 MR. CHARFOOS: In what context? The
 25 way you said it, the night of the game or in life?

Page 51

1 Q No, when in life?
 2 A In life. I went to elementary school with
 3 him.
 4 Q What is his first name?
 5 A Alvin.
 6 Q Alvin. How frequently would he accompany you
 7 to the Pistons game?
 8 A He probably been to, say one or two games
 9 before the night of the brawl.
 10 Q Did you go to all the games that you had
 11 tickets for?
 12 A That I tried to.
 13 Q Did you meet any of the ticket holders
 14 sitting around you?
 15 A I met a few of them.
 16 Q Can you give me the names of anybody?
 17 A I don't remember the names. We would trade
 18 some games for other games, you know.
 19 Q You can't remember their names?
 20 A No, I don't. Wish I did.
 21 MR. CHARFOOS: You have answered the
 22 question.
 23 Q Did you have any contact with Palace Security
 24 before the night of the brawl?
 25 A What do you mean by "contact"?

Page 52

1 Q Did Palace Security ever have to talk to you
 2 for any reason prior to?
 3 A I spoke with them all the time. I was
 4 friends with everybody there.
 5 Q Other than saying: Hey, how are you doing,
 6 did you have any contact with Palace Security before the
 7 night of the brawl?
 8 A You mean like when somebody came up to me and
 9 said something? I mean there was one time that I
 10 remember that maybe a security guard says, you know, have
 11 your friend sit down so people can watch behind him but
 12 other than that, I mean.
 13 Q That's it?
 14 A That I remember, yes.
 15 Q Were you ever counseled by anybody at the
 16 Palace for excessive drinking during Pistons games?
 17 A You mean did anybody come up to me and say:
 18 Stop drinking?
 19 Q No. I mean, well, could be that. Where
 20 somebody from the Palace came to you because you had too
 21 much to drink and were being problematic or making
 22 trouble, did that ever happen?
 23 A Yes. I don't remember.
 24 Q You don't remember?
 25 A Uh-uh.

13 (Pages 49 to 52)

HADDAD

CHARLES HADDAD

3/29/2006

Page 53

1 Q No?

2 A No. If I had too much to drink more likely

3 they stop serving me drinks.

4 Q Has that ever happened?

5 A No. When I used to go -- go ahead. Forget.

6 Q What were you going to say?

7 MR. CHARFOOS: There's no question.

8 Q The question is now: What were you going to

9 say?

10 MR. CHARFOOS: I would say you don't

11 remember.

12 A When I went to the games it was never really

13 hardly to drink but if I did, it wasn't to a point where

14 I needed to get drunk. It would be just to have a Good

15 Times more or more like it was kind of buy them a drink

16 or anything, the person I was with.

17 MR. CHARFOOS: Let's take our first

18 stretch why don't we.

19 MR. POTTER: Sure.

20 (Brief recess.)

21 Q You said that Mr. Shackelford only went to

22 one or two games with you prior to the game the night of

23 the fight; is that correct?

24 A Roughly.

25 Q You said you have known him since elementary

Page 54

1 school?

2 A Yes, sir.

3 Q Did you guys play little league together,

4 that kind of stuff?

5 A Yes.

6 Q You played little league baseball together.

7 Did you play youth hockey and stuff like that?

8 A Baseball and football.

9 Q Did you play football in high school?

10 A Yes.

11 Q Did Shackelford play football in high school?

12 A Yes.

13 Q You guys went to the same high school I take

14 it; Chesaning?

15 A Yes.

16 Q Is he like your best friend? Not "like." I

17 shouldn't talk like a Valley Girl.

18 A Yes, he's like one of my good friends.

19 Q He's one of your real close friends?

20 A Yes.

21 Q You guys went to like graduation parties

22 together when you graduated? Well, you didn't graduate.

23 A Yes, he graduated.

24 Q Did you go to his graduation party?

25 A Yes.

Page 55

1 Q What are his parents' names?

2 A I think his dad's is the same, Alvin, and his

3 mom is Pam.

4 Q Where does he live?

5 A He lives with his parents.

6 Q What town?

7 A Burt.

8 Q How far away from your house is his house?

9 A Couple miles.

10 Q Does he have brothers and sisters too?

11 A I think. One sister.

12 Q What is he doing these days? Is he working?

13 A He works in a pool store.

14 Q Like inground pool store or a pool table

15 store?

16 A Like inground pool, yes.

17 Q Do you still see him frequently?

18 A Yes, whenever I could.

19 Q How often is that?

20 A Once, twice a week. He drives by my house so

21 he stops by.

22 Q Is his cell phone on your cell phone speed

23 dial? I don't want the number.

24 A No.

25 Q You don't have a speed dial on your cell

Page 56

1 phone?

2 A No.

3 Q Who is your cell phone provider?

4 A Nextel.

5 Q You got a Blackberry there?

6 A It's a --

7 Q Is it a T-mobile type phone?

8 A Yes, pocket P.C.

9 Q Can I see it?

10 A No.

11 MR. CHARFOOS: It's not a reasonable

12 request.

13 Q Nextel?

14 A Yes.

15 Q You have a pocket P.C.?

16 A Yes. Well, this ain't through Nextel. My

17 dad was here. I gave him the Nextel just to call.

18 Q But you have a pocket P.C.?

19 A This is not mine. It's my brother-in-law's.

20 Q Why do you have it?

21 A I was checking something on the internet.

22 Q Your brother-in-law who; Kris?

23 A Yes, Kris.

24 Q Nextel is your cell phone provider; is that

25 correct?

14 (Pages 53 to 56)

HADDAD

CHARLES HADDAD

3/29/2006

Page 57

1 A Yes.
 2 Q What is your cell phone number?
 3 MR. CHARFOOS: Why does he have to
 4 give that now?
 5 MR. POTTER: Because I want to check
 6 his cell phone records.
 7 MR. CHARFOOS: Now?
 8 MR. POTTER: Not right now.
 9 MR. CHARFOOS: I think you are not
 10 going to give him that.
 11 MR. POTTER: We can go off the record
 12 and he can give it to me.
 13 MR. CHARFOOS: What is the purpose of
 14 it?
 15 MR. POTTER: I have someone alleging
 16 a head injury. I want to know what his cell phone
 17 records are. There's a direct correlation.
 18 THE WITNESS: That's fine. I'll give
 19 it to him.
 20 MR. CHARFOOS: I wanted to see why.
 21 A 989-23 --
 22 Q What's the area code?
 23 A 989.
 24 Q Go ahead.
 25 A 233-1335.

Page 58

1 Q So you have a pocket P.C. like the one in
 2 front of you?
 3 A This one? No, I don't, sir.
 4 Q You don't have anything like that?
 5 A No.
 6 Q Have you ever had anything like that?
 7 A No.
 8 Q Does the store have a computer?
 9 A Yes.
 10 Q Do you have access to a laptop or -- strike
 11 that. Do you have your own laptop?
 12 A No, sir.
 13 Q Do you have your own desk top?
 14 A My family does, yes.
 15 Q Do you have your own screen name?
 16 A No.
 17 Q Do you have your on email account?
 18 A No.
 19 Q Have you ever had that?
 20 A We have a family email address if you want
 21 that.
 22 MR. CHARFOOS: No, I don't think
 23 that's fair.
 24 Q Have you ever had your own email address?
 25 A No.

Page 59

1 Q So when did you see your brother-in-law to
 2 get that instrument, electronic instrument that is in
 3 front of you right now?
 4 A On the way down here.
 5 Q Did he drive?
 6 A No, my father did.
 7 Q So you stopped where?
 8 A We stopped at the store.
 9 Q In Auburn Hills?
 10 A Yes.
 11 Q And he gave you, his --
 12 A Yes.
 13 Q -- device?
 14 A Yes.
 15 Q What this device, you said it's a pocket P.C.
 16 Who is the manufacturer of it?
 17 A I don't even know. I think it's Verizon.
 18 Q Now that pocket P.C. device that you have
 19 there is also a phone, correct?
 20 A Yes.
 21 Q And it allows you to sync your, sync that
 22 device with the laptop or a desk top if you wanted to,
 23 correct?
 24 A I don't know.
 25 Q But it has internet service on it?

Page 60

1 A Yes.
 2 Q Can you access the internet service in a dial
 3 up mode on that?
 4 A You can access the internet, yes.
 5 Q But it's a dial up mode unless you're in a
 6 wireless setting, correct?
 7 A That I don't know.
 8 Q How did you access the internet on that?
 9 A I went to Internet Explorer.
 10 Q Does it dial a number for you?
 11 A I don't know if it's dial or broad band or,
 12 you know. I don't know what he has on it.
 13 Q Where did you access the internet using that
 14 device? Did you access it in Mr. Charfoos' office? Did
 15 you access it in the car? Where did you do it on the way
 16 down here?
 17 A I didn't access the internet.
 18 Q You said you have it because you wanted to
 19 look something up on the internet.
 20 A Yes.
 21 Q Did you do that?
 22 A I did it outside in the parking lot before I
 23 walked in.
 24 Q The parking lot of Mr. Charfoos' office?
 25 A Yes, but I didn't do it driving.

15 (Pages 57 to 60)

HADDAD

CHARLES HADDAD

3/29/2006

Page 61

1 Q Did you drive here or your dad?
 2 A My dad did.
 3 Q What did you look for on the internet using
 4 that device?
 5 MR. CHARFOOS: If it has anything to
 6 do with this case he can answer it. I can't
 7 imagine it does but if it's something personal I
 8 can't see the relevance of it.
 9 MR. POTTER: I just want in general
 10 terms the mere fact that he is able to use a
 11 handheld P.C. device is relevant to this case,
 12 Larry.
 13 MR. CHARFOOS: Go ahead.
 14 THE WITNESS: I went on -- you still
 15 want me to?
 16 MR. CHARFOOS: Unless it's something
 17 criminal tell him.
 18 A I went in Absolute Poker.
 19 Q Do you play a lot of internet poker?
 20 A No.
 21 Q Why were you checking that today?
 22 A To check my account. I have an account open
 23 for my sister and she plays.
 24 Q Which sister?
 25 A Ann.

Page 62

1 Q You don't have your own account on Absolute
 2 Poker?
 3 A No.
 4 Q Do you have any online betting accounts of
 5 any type, whether it be poker --
 6 A No.
 7 Q -- or sports betting or anything else?
 8 A No.
 9 Q So you play under your sister's account?
 10 A No. The account is under my name. But she
 11 is using my checkbook. She has no checking account, so
 12 she is using my checkbook under my name.
 13 Q I don't understand. What do you mean, your
 14 checkbook?
 15 A She don't have a checkbook. When she gets on
 16 the internet she uses it for whatever. She has an
 17 account I imagine is open. She takes the deposits from
 18 my, deposits from my account and she puts money in my
 19 account. I was checking it.
 20 Q She puts deposit in your Absolute Poker
 21 account?
 22 A No, my checking account.
 23 Q I only want to talk about Absolute Poker
 24 account.
 25 A That's where Absolute Poker is. They take it

Page 63

1 from your check.
 2 Q Who has the account with Absolute Poker, you
 3 or your sister?
 4 A I do.
 5 Q What is the account number?
 6 A I don't know.
 7 Q How do you access the account with Absolute?
 8 A As it -- it's saved. When you click on
 9 Absolute Poker it's about 20 digits long. I don't know,
 10 remember what it is.
 11 Q When did you open an account with Absolute
 12 Poker?
 13 A Don't remember. Couple months ago.
 14 Q Absolute Poker will take money out of
 15 somebody's checking account and place it into your
 16 account with Absolute Poker when authorized to do so; is
 17 that correct? Let me strike that question and ask this
 18 one.
 19 How do you fund your account on Absolute
 20 Poker?
 21 A With the checking.
 22 Q With the checking account?
 23 A Yes, sir.
 24 Q Whose checking account?
 25 A My checking.

Page 64

1 Q Where do you bank?
 2 A Montrose State Bank.
 3 Q Do you have any other bank accounts anywhere
 4 else?
 5 A No other, not that I remember.
 6 Q Do you have any brokerage accounts anywhere?
 7 A No. You mean like commercial funds or CDs,
 8 all that?
 9 Q Yes.
 10 A Prudential.
 11 Q What office of Prudential?
 12 A Novi I think.
 13 Q Who is your brokerage account representative
 14 with Prudential?
 15 A I call the 1-800 number. I talk to somebody
 16 else every time.
 17 Q Do you know your account number with
 18 Prudential?
 19 A No, I don't, sir.
 20 Q So what does your sister have to do with your
 21 checking account --
 22 A She don't have a checkbook.
 23 Q Let me finish. What does your sister have to
 24 do with your checking account and Absolute Poker? She
 25 doesn't have a checkbook?

16 (Pages 61 to 64)

HADDAD

CHARLES HADDAD

3/29/2006

Page 65

1 A No.
 2 Q What does that have to do with Absolute
 3 Poker? Does she have her own account with Absolute
 4 Poker?
 5 A No, she's on my account with my checking and
 6 everything.
 7 Q Does she also play poker on the Absolute
 8 Poker account that you have set up?
 9 A She plays, yes.
 10 Q What sister is it?
 11 A Ann that lives with me. She gets on there
 12 because --
 13 Q Rodriques?
 14 A Yes.
 15 Q She has no means of funding her play so she
 16 takes money out of your checking account?
 17 A No. She will put money in my checking
 18 account, use the checkbook. She don't have a checkbook
 19 so I let her use mine and you have to have the names
 20 correct.
 21 Q Is anybody following this?
 22 MR. CHARFOOS: I am. Off the record
 23 for a moment.
 24 (Discussion held off the record.)
 25 Q Your sister puts money in your checking

Page 66

1 account so she can play on Absolute Poker?
 2 A She did it like twice. That's it. But, yes.
 3 Q So most of the play on Absolute Poker is you
 4 playing?
 5 A Ann.
 6 MR. CHARFOOS: Not him.
 7 A Not me.
 8 Q Do you play at all in Absolute Poker?
 9 A I play maybe one or two games.
 10 Q Is this Texas Hold'em?
 11 A I think they got a couple different games. I
 12 don't know what she plays but probably mainly Texas she
 13 likes, yes.
 14 Q How much money is in the joint account
 15 currently with Absolute Poker?
 16 A I just checked. It was like 20 bucks.
 17 Q When you don't have your brother's mobile
 18 P.C. device there how do you check your account?
 19 A She checks it.
 20 Q Who?
 21 A My sister Ann. She does all her schooling on
 22 the computer and everything.
 23 Q All her what?
 24 MR. CHARFOOS: Schooling.
 25 A Schooling. She is getting where I think

Page 67

1 she's finishing her degree like in the next couple weeks.
 2 So she does everything on the computer. So if I have any
 3 problems she says: Look, I'm going to play this game.
 4 I'm going to take 20 from your checking account off your
 5 name. I'm going to play it.
 6 Q What name did you open that account under:
 7 Charlie Haddad?
 8 A Yes.
 9 Q Do you have any credit cards?
 10 A Two.
 11 Q Do you have them with you?
 12 A Out in the car.
 13 Q Can you go get them?
 14 A My dad took the car.
 15 Q When will your dad be back?
 16 A As soon as this is done.
 17 Q What companies are the credits cards with?
 18 A Visa and Mastercard. I'm canceling
 19 Mastercard too though.
 20 Q Does your cell phone have any internet
 21 access?
 22 A You can get on the internet but you can't
 23 access like www dot com anything. Like you can save your
 24 text messages or your pictures or anything like that,
 25 sir.

Page 68

1 Q You can?
 2 A Yes. You upload it. You just upload it.
 3 That's all it is.
 4 MR. CHARFOOS: You all right?
 5 THE WITNESS: Yes
 6 Q What's your typical day when you're not
 7 working or when you work an hour because you're having a
 8 bad day, what is your typical day? What do you do
 9 normally?
 10 MR. CHARFOOS: You have two questions
 11 there.
 12 MR. POTTER: I'll strike it.
 13 Q When you work an hour what do you do the rest
 14 of the day typically?
 15 A Probably go home and probably just lay down
 16 or either just watch TV or just by, read a book or
 17 something.
 18 Q How frequently do you go out to socialize
 19 currently?
 20 A Currently whenever I can.
 21 Q How frequently is that?
 22 A Well, my dad wants me to go out and just
 23 probably like once, twice a week if that.
 24 Q Who do you normally socialize with?
 25 A Either I go out to, let's say my cousin's

17 (Pages 65 to 68)

HADDAD

CHARLES HADDAD

3/29/2006

Page 69

1 house or, you know, see what A.J. is doing. If A.J. is
 2 doing something I go out. Probably once or twice a week.
 3 Q Who is A.J.?
 4 A Shackelford. I call him A.J.
 5 Q So normally once or twice a week you will do
 6 something with A.J. or one of your female cousins?
 7 A Yes.
 8 Q Is that correct?
 9 A Yes, or --
 10 Q Or what?
 11 A Or either maybe go to like play pool or
 12 something.
 13 Q Where would that be at?
 14 A In Saginaw.
 15 Q Name of the bar?
 16 A It's not a bar.
 17 Q Pool hall?
 18 A You know, I don't even know what it's called.
 19 Q What street is it on?
 20 A Bay Road but that's like maybe once a month
 21 or so. I just won't even play pool. I just hang out and
 22 see what everybody is doing.
 23 Q When you and A.J. go out once or twice a
 24 week, what do you guys do?
 25 A I don't go out. Maybe I just go to his

Page 70

1 house.
 2 Q He still lives with his parents?
 3 A Yes. But he --
 4 MR. CHARFOOS: You answered the
 5 question.
 6 Q What were you going to say; but he's what?
 7 A He plays pool a lot. So that's what I'm
 8 saying if we do, we go play pool. But I mean I don't
 9 really play. I'm not good at it.
 10 Q How many beers did you have -- strike that.
 11 How many alcoholic drinks did you have
 12 on November 19th, 2004, before the brawl?
 13 MR. CHARFOOS: If you know.
 14 A Like that night?
 15 Q At the Palace that night.
 16 A I don't remember. I had, I mean I had a few
 17 that night. The next morning I didn't have to work.
 18 Q You said you had a few? Say that again.
 19 A I had a couple. It was more than probably
 20 like two or three.
 21 Q At the Palace?
 22 A Yes. At the Palace, yes.
 23 Q Did you drink before you went to the Palace?
 24 A No.
 25 Q When did you and Mr. Shackelford meet up that

Page 71

1 night; what time?
 2 A Maybe an hour and a half before the game.
 3 Q Where did you meet each other?
 4 A He came to my house.
 5 Q Who drove to the Pistons game?
 6 A That I remember he did.
 7 Q Did you drink at any time that day before you
 8 and Mr. Shackelford left to go to the Pistons game?
 9 A Did I drink before the game?
 10 Q At any time that day before you left to go to
 11 the Pistons game did you drink alcohol of any kind?
 12 A No.
 13 Q No?
 14 A I don't remember.
 15 Q Do you remember what your activities were
 16 that day before you went to the Pistons game? Did you
 17 work; did you stay home; play pool; what?
 18 A I think I worked until --
 19 MR. CHARFOOS: Are you guessing?
 20 THE WITNESS: Yes.
 21 MR. CHARFOOS: Don't guess.
 22 THE WITNESS: Huh?
 23 MR. CHARFOOS: If you don't remember
 24 tell him.
 25 A Yes. I mean I really don't. I know I worked

Page 72

1 a little bit maybe until -- like when I used to go to
 2 Pistons games I used to leave at five or six.
 3 Q You leave at five or six from Burt, Michigan
 4 to get to Auburn Hills, correct?
 5 A Yes.
 6 Q You think Shackelford picked you up at your
 7 house?
 8 A He drove to my house. I usually drove my
 9 car. I drove with him.
 10 Q He would drive your car?
 11 A Yes. Because I was always on the phone or I
 12 always had to talk. I mean I don't really like driving.
 13 Q What did you have to eat that day that you
 14 can recall before you left for the Palace?
 15 A Don't remember.
 16 Q Did you have anything to eat from the time he
 17 picked you up at your home until the brawl occurred,
 18 until you and he went running on the floor? Well, I'll
 19 strike that.
 20 Until you and Shackelford, until you and
 21 Mr. Shackelford enter the floor of the Palace, did you have
 22 anything, which I think we can all agree on?
 23 A I don't remember.
 24 Q You don't remember if you ate at the Palace
 25 that night?

18 (Pages 69 to 72)

HADDAD

CHARLES HADDAD

3/29/2006

Page 73

1 A Maybe I ate. I don't know.
 2 Q You don't know?
 3 A No. Do you remember what you ate that night?
 4 Q I wasn't -- yes, I do. I was at, since you
 5 asked, I was at Bravo in Rochester Hills and had veal
 6 marcella.
 7 MR. CHARFOOS: But you weren't hit in
 8 the head. So his memory may not be as good as
 9 yours.
 10 MR. POTTER: Yes, but I'm old.
 11 MR. CHARFOOS: We may so stipulate.
 12 Q So you started drinking that night when you
 13 arrived at the Palace; is that correct? I don't mean the
 14 minute you walked in you had a beer but you had nothing
 15 to drink that night before you got to the Palace or that
 16 day before you got to the Palace; is that correct?
 17 MR. CHARFOOS: If you know.
 18 A I don't really remember honestly, if I had.
 19 Maybe --
 20 MR. CHARFOOS: Don't guess. If you
 21 remember you can answer.
 22 A Yes, I don't remember.
 23 Q Was it your habit to drink before you would
 24 go to a Pistons game, before you picked up to go to the
 25 Pistons game? In other words, on the day of a Pistons

Page 74

1 game was it like an event for you and you're going to
 2 have a couple to get going before you got in the car to
 3 go down?
 4 A If somebody wanted to get out of the car and
 5 tailgate, because we knew everybody at the game, and walk
 6 around and have a beer, I would have a beer, yes.
 7 Q Did you tailgate that night?
 8 A I don't remember.
 9 Q Is the reason why Mr. Shackelford may have
 10 driven that night is because you had been drinking
 11 earlier that day?
 12 A No. He just feels more comfortable every
 13 time he drives just to drive.
 14 Q Did you bring any beverage or food to
 15 tailgate with that night?
 16 A I don't remember.
 17 Q Do you consider yourself to be an aggressive
 18 individual by nature?
 19 A Like?
 20 Q Do you understand what aggressive means?
 21 A Yes, I know what aggressive but what do you
 22 mean: Like aggressive in like attitude?
 23 Q Yes, aggressive person by nature.
 24 A There's some days that I could be and there's
 25 some days that I'm down.

Page 75

1 Q I mean before the brawl. Did you consider
 2 yourself to be an aggressive person before the brawl?
 3 A No, not at all.
 4 Q You were never aggressive before the brawl?
 5 A Maybe. I don't know.
 6 MR. CHARFOOS: In all fairness, why
 7 don't you define aggressive? For me it could be a
 8 physical person that goes around hitting people.
 9 Q Aggressive means somebody who is not sedate.
 10 Did you -- I'm trying to contrast it. Were you somebody
 11 who was, you know, would --
 12 A Pick fights?
 13 Q No. Tend towards, not necessarily pick
 14 fights but somebody who didn't shy away from conflict or
 15 controversy or were you somebody who would always walk
 16 away when conflict or controversy arose?
 17 A With me or with others?
 18 Q With you and with other people, between you
 19 and other people?
 20 A More likely, yes, I would probably just walk
 21 away. I would never fight anybody or hit anybody or
 22 anything.
 23 Q That night did you have any particular events
 24 in your life that were problematic or bothersome to you;
 25 like were you angry at any family members; were you --

Page 76

1 A No.
 2 Q Were you angry at a girlfriend?
 3 A I was happy that night.
 4 Q You were happy that night.
 5 Did you have a girlfriend that night?
 6 A Never had a girlfriend.
 7 Q You have never had a girlfriend; is that
 8 correct?
 9 A Considered a girlfriend but I had friends.
 10 Yes.
 11 Q Did you have any female friends with you that
 12 night at the Palace, whether they were a girlfriend or
 13 not, just a friend?
 14 A We had friends with us that like actually sat
 15 with us but they didn't, like wasn't actually considered
 16 girlfriends or anything.
 17 Q Were these friends that came with you to the
 18 game or were these friends that had seats around you?
 19 A No, they -- I think A.J. knew one of them. I
 20 didn't really know them.
 21 Q How did these friends -- strike that.
 22 Did these friends go with you to the
 23 game or was it just you and Mr. Shackelford that went in
 24 your car to the game that night?
 25 A I don't remember actually.

19 (Pages 73 to 76)

HADDAD

CHARLES HADDAD

3/29/2006

Page 77

1 Q You don't remember whether anyone else
 2 accompanied you to the game that night besides
 3 Mr. Shackelford?
 4 A No.
 5 Q Do you remember friends sitting around you
 6 that night?
 7 A Yes.
 8 Q Who besides Shackelford?
 9 A Well, I think one of them was his good
 10 friend. He was talking to somebody that's his friend.
 11 Q Female or male?
 12 A Female. And I don't know who the other girl
 13 was.
 14 Q What's the female's name that you just
 15 identified?
 16 A Courtney.
 17 Q Last name?
 18 A Don't know.
 19 Q Her last name: Don't know?
 20 A I don't know what her name is.
 21 MR. CHARFOOS: Oh, be nice.
 22 MR. POTTER: I was kidding.
 23 Q You don't know her last name?
 24 A No.
 25 Q So you didn't have any financial problems

Page 78

1 that night, didn't have any work problems. You didn't
 2 have any fights with your mom and dad or siblings or
 3 cousins, anything like that going on in your life?
 4 A No, sir.
 5 Q You were happy that night?
 6 A Yes. Yes.
 7 Q So since you just described yourself as
 8 nonaggressive or as a person would tend to walk away from
 9 conflict -- strike that.
 10 You described yourself as a person who
 11 would always walk away from conflict or controversy before
 12 that night?
 13 A What do you mean, like if somebody had a
 14 problem or bumped into me and would want to argue with
 15 me? Yes, I would be the one to --
 16 Q Walk away?
 17 A Yes, cool it, walk away.
 18 Q So prior to that night you considered
 19 yourself to be a nonaggressive person who would generally
 20 avoid conflict rather than engage, correct?
 21 A Yes.
 22 Q You had no problems in your life that was
 23 making anything, created anxiety in your life that night,
 24 correct?
 25 A Yes.

Page 79

1 Q Did you think at any point in time that night
 2 prior to you going on to the floor that you were, your
 3 senses were impaired because of the consumption of
 4 alcohol?
 5 A I don't remember like hardly anything that
 6 night.
 7 Q You don't. All right. That wasn't my
 8 question.
 9 Did you think at any time --
 10 MR. CHARFOOS: But he answered your
 11 question.
 12 MR. POTTER: He said he didn't
 13 remember hardly anything. So this may have been
 14 one of the things that he did remember.
 15 Q So do you believe at any time that night
 16 prior to you going on to the floor your senses were in
 17 any way impaired because of the consumption of alcohol?
 18 A No, I don't remember. The only thing I
 19 remember is he picked me up. That's probably the last
 20 thing I remember.
 21 Q Who picked you up?
 22 A A.J.
 23 Q So you don't remember even arriving at the
 24 arena that night?
 25 A No, I mean not -- very little bit.

Page 80

1 Q What little bit do you remember?
 2 A I remember it was dark and I remember that --
 3 I don't -- other than it was dark and we were like
 4 rushing to get in. I don't know if we were late or
 5 something.
 6 Q What do you recall about the game that night?
 7 A I don't. Like the game -- I mean walking
 8 into the arena, I don't remember none of that.
 9 Q Do you remember anything that happened during
 10 the game? Do you remember whether the Pistons were
 11 winning or losing?
 12 A No.
 13 Q Who were they playing, do even remember that?
 14 A Well, I know now. At the time, yes, they
 15 were planning Indiana.
 16 Q Did you sit in your season tickets seats?
 17 A Yes.
 18 Q This was --
 19 A That was the only thing I recall, back to the
 20 one question. That's the only thing I remember, is that
 21 they were playing Indiana was because that's the whole
 22 reason. But other than me saying, actually remember
 23 about going down there and like you're asking what I ate
 24 or anything, I don't remember really hardly any of that.
 25 Q You remember you and A.J. sat in your seats,

20 (Pages 77 to 80)

HADDAD

CHARLES HADDAD

3/29/2006

Page 81

1 correct?
 2 A Correct.
 3 Q You remember this Courtney being there,
 4 correct?
 5 A Like very, bits I might not even be sitting
 6 there the whole night. Walk in. I know we were kind of
 7 running up to the arena. That's the only thing I really
 8 remember.
 9 Q So you told me Courtney was there. So you
 10 remembered that, correct?
 11 A Yes.
 12 Q What is the first thing you remember after
 13 your lapse of memory? In other words --
 14 A I remember man --
 15 Q I need to establish -- hold on a second. I
 16 will withdraw the question. I need to establish a time
 17 period in which you're claiming you have no memory.
 18 What's the last thing you remember
 19 before the brawl and what's the first thing you remember
 20 after the brawl?
 21 A Just I mean after everything, people were
 22 like: Oh, you remember people were like, oh, we went
 23 there. We did this.
 24 Q No, no, I don't care what people told you.
 25 A Well, after people told me then I hardly

Page 82

1 remember anything. Because Courtney was the one that
 2 said: Hey after that I left to go to what-you-call-its
 3 house.
 4 Q I don't care what people told you. I want to
 5 know what you remember without being told.
 6 A Hardly at all.
 7 MR. CHARFOOS: Same thing I told you
 8 before. Think about the last thing you remember
 9 and tell him the next thing you remember.
 10 A Hardly nothing.
 11 Q What's the last thing you remember before
 12 your memory loss?
 13 A That and then I remember, okay, somehow being
 14 in the escort off to court. And then because I was
 15 like -- lifted off the court. I was in some dark room.
 16 I remember a guy hit me on the shoulder. Go here. Then
 17 I was in -- yes, very bits. Then the next thing my
 18 brother-in-law came. This is what he told me.
 19 Q I don't -- do you remember your
 20 brother-in-law coming?
 21 A If he didn't tell me, no.
 22 Q What is the last thing you remember before
 23 you were being escorted off the court?
 24 A I remember being at the game. But I remember
 25 Chauncey hit and missing a three. I don't remember

Page 83

1 hardly nothing.
 2 Q Do you remember why you and Mr. Shackelford
 3 decided to go on to the floor?
 4 A No.
 5 Q Have you seen video of you on the floor?
 6 A Yes.
 7 Q Have you seen -- do you -- strike that.
 8 Do you recall why you decided to
 9 confront Mr. Artest?
 10 A If I didn't see the video, I wouldn't
 11 remember.
 12 MR. CHARFOOS: Then don't. Nothing.
 13 No.
 14 A No.
 15 Q Do you remember anything about a
 16 confrontation you had with Mr. Artest?
 17 A No.
 18 Q Do you remember anything about a
 19 confrontation you had with Mr. O'Neal?
 20 A No.
 21 Q You don't remember being hit by Mr. O'Neal?
 22 A No.
 23 Q Do you remember being hit by anybody that
 24 night?
 25 A No. I remember getting hit but I don't

Page 84

1 remember who it was or anything.
 2 Q How is it you remember getting hit?
 3 A Because when I got hit, you know, then
 4 something happened where it was a nerve, they said,
 5 because it made me urinate. Made me piss in my pants.
 6 Excuse my language. That's what, because I asked
 7 somebody in the hospital. I said why is my pants. They
 8 said that probably because something spilled or you might
 9 have urinated. That's from being hit.
 10 Q So because somebody said to you in the
 11 hospital that something spilled or you might have
 12 urinated, you believe you urinated?
 13 A I don't remember. I know something. I know
 14 being hit and something like a complete numbness in my
 15 whole body.
 16 Q You remember getting hit though?
 17 A I remember the complete numbness.
 18 Q Do you remember getting hit?
 19 A No. If it wasn't for the tapes I, you know.
 20 If I didn't watch the tapes over and over --
 21 MR. CHARFOOS: Yes, forget about the
 22 tapes.
 23 Q When is the last time you reviewed the tapes
 24 before today? Let me back up a second.
 25 Did you review any tapes today before

21 (Pages 81 to 84)

HADDAD

CHARLES HADDAD

3/29/2006

Page 85

1 testifying?
 2 A No, sir.
 3 Q When is the last time you reviewed the tapes
 4 before today?
 5 A Months ago.
 6 Q Why did you do that?
 7 A I think I was watching TV and it was like
 8 something, I don't know. Maybe just like a highlight or
 9 something, I don't know.
 10 Q Do you have tapes of the event in your
 11 possession at home or somewhere else?
 12 A No.
 13 Q So you remember your pants being wet that
 14 night?
 15 A Yes. The next morning or -- well, when I
 16 left the hospital.
 17 Q You remember being at the hospital?
 18 A Little, very little.
 19 Q You indicated that you remembered being
 20 escorted off the floor. Do you remember everything from
 21 that point forward? By that I mean from the point in
 22 time you were escorted off the floor through what
 23 happened at the Palace, through being at the hospital?
 24 A After numbness, you know, I remember getting
 25 help and being escorted off the court.

Page 86

1 Q After you were escorted off the court do you
 2 remember everything that happened after that point?
 3 A No.
 4 Q Let me ask it this way. When you were taken
 5 off the court where were you taken to?
 6 A The security room. Because that's what A.J.
 7 told me.
 8 Q I don't want to know what A.J. told you.
 9 MR. CHARFOOS: What do you remember?
 10 A I don't remember nothing, very little. But
 11 it's, only thing I remember was maybe going to the game
 12 and, you know, very little bits of the game, just like
 13 watching a basketball game and being escorted out of the
 14 court, like basically being.
 15 Q That's what I'm asking you. You said you
 16 remember being escorted off the court. Do you remember
 17 what happened next?
 18 A No.
 19 Q What is your next memory after being escorted
 20 off the court?
 21 A Very little bits of being in the security
 22 room.
 23 Q What do you recall about being in the
 24 security room?
 25 A And handing I.D. to somebody and that's like

Page 87

1 it.
 2 Q Do you know how you left the security room?
 3 A No.
 4 Q Do you recall where you were -- strike that.
 5 What's the next place you remember being
 6 in after the security room?
 7 A Then I remember, the next thing I remember is
 8 being in like, being held up to leave the hospital.
 9 Q Who held you up?
 10 A I think my dad.
 11 Q So you remember your dad being with you at
 12 the hospital?
 13 A He was in the waiting room. My whole family
 14 was.
 15 Q Do you recall -- strike that.
 16 What other members of your family were
 17 at the hospital?
 18 A I think my brother.
 19 Q Name?
 20 A Fouad.
 21 Q Okay.
 22 A And Kris.
 23 Q Your brother-in-law Kris?
 24 A Yes.
 25 Q Yes?

Page 88

1 A Uh-huh.
 2 MR. CHARFOOS: You have to answer
 3 "yes" or "no."
 4 A Yes.
 5 Q You just said your whole family was in the
 6 waiting room. Did you mean just Fouad, Kris and your
 7 dad?
 8 A And their siblings. Not, I mean not really.
 9 Just Fouad. I don't know if his wife was there. My mom
 10 was there. And that's all I remember is them two, them
 11 three. And A.J.
 12 Q Do you remember A.J. challenging Mr. Artest
 13 on the court physically?
 14 A No.
 15 Q Did A.J. ever tell you that he challenged
 16 Mr. Artest on the court?
 17 A No.
 18 Q Have you seen video of A.J. confronting
 19 Mr. Artest on the court?
 20 A Yes. Confronting him? Like define that.
 21 Q Walking up to him. I think they say the term
 22 is chesting up to him.
 23 A I seen the video.
 24 MR. CHARFOOS: The video will speak
 25 for itself.

22 (Pages 85 to 88)

HADDAD

CHARLES HADDAD

3/29/2006

Page 89

1 A I didn't see him doing --
 2 MR. CHARFOOS: He's not going to
 3 interpret the video.
 4 A That's it.
 5 Q Did you see a conflict between Mr. Artest and
 6 A.J. on the court?
 7 A I seen Artest hit him, yes.
 8 Q Do you have an explanation -- have you ever
 9 asked A.J. why he was on the court?
 10 A No.
 11 Q Do you have an explanation as to why you were
 12 on the court?
 13 A No.
 14 Q What would you possibly have been attempting
 15 to accomplish by going on to the court?
 16 MR. CHARFOOS: Whoa, whoa. He's not
 17 going to guess. He has no memory of being on.
 18 MR. POTTER: It's no guess. He knows
 19 himself why would he go on the court. I'm asking
 20 him.
 21 MR. CHARFOOS: There were 50 or at
 22 least 100 other people on the court. Why did they
 23 go on?
 24 MR. POTTER: Because they're idiots
 25 if you want the truth.

Page 90

1 MR. CHARFOOS: I'm not going to have
 2 my client so classified. Thank you very much.
 3 MR. POTTER: I'm telling you about
 4 the other people.
 5 A I don't remember, sir.
 6 Q Have you ever gone onto the playing surface
 7 of the Palace of Auburn Hills before November 19th of
 8 2004?
 9 A I have been there a few times on the playing
 10 surface.
 11 Q While the game is going on?
 12 A Maybe once or twice.
 13 Q Who let you on the playing surface of the
 14 Palace?
 15 A Court side tickets.
 16 Q Basketball at the Palace of Auburn Hills?
 17 A The person that we go through, he had, you
 18 know, he probably gave me court side tickets a couple
 19 times.
 20 Q Have --
 21 A While they're playing.
 22 Q Have you ever been on the playing surface at
 23 the Palace of Auburn Hills other than when you had court
 24 side tickets before November 19th, 2004?
 25 A No.

Page 91

1 Q Had you ever -- strike that.
 2 Have you seen the video tape of yourself
 3 on the floor at the Palace?
 4 A Yes.
 5 Q Had you ever been on the floor at the Palace
 6 at the position you were in on November 19th, 2004, while
 7 a game was being played prior to that night?
 8 A No.
 9 Q Did you know that it's illegal to go onto the
 10 Palace floor while a game was being played prior to that
 11 night?
 12 A I don't remember that night. Did I know it
 13 was illegal? No.
 14 Q Did you know it was illegal to go onto the
 15 floor of the Palace while a professional basketball game
 16 was being played?
 17 A Did I know it was legal?
 18 Q Illegal.
 19 A No, I don't.
 20 Q Did you know it was prohibited; in other
 21 words, did you know as a season ticket holder that you
 22 couldn't go onto the floor of the Palace while a game was
 23 being played? Did you know that?
 24 A No.
 25 Q Did you believe it was permissible or okay

Page 92

1 for you to go on the floor of the Palace?
 2 MR. CHARFOOS: Are we talking the
 3 night he was hurt or any night?
 4 MR. POTTER: I want his knowledge
 5 base --
 6 A Yes, I believe.
 7 Q There's no question.
 8 MR. POTTER: I want his knowledge
 9 base before the night.
 10 A There's people that go on the court all the
 11 time every quarter just to go and half time or anything.
 12 During the game, no, I don't believe.
 13 Q I'm asking about during a game. Did you know
 14 it was prohibited to go onto the floor of the Palace
 15 while a game was being played?
 16 A Yes.
 17 Q Did you have -- prior to that night, did you
 18 have a desire to be more than a fan at these basketballs
 19 games?
 20 A What do you mean, like just be a basketball
 21 player or something?
 22 Q To get involved in what was going on at the
 23 Palace as something other than a fan. Was that a desire
 24 of yours?
 25 A No.

23 (Pages 89 to 92)

Page 93

1 Q To get involved with the players in some way,
2 was that a desire of yours?
3 A No, not at all.
4 Q To be part of the action instead of just
5 somebody watching a game. Was that a desire of yours
6 prior to the night of the fight?
7 A If a player walked by me, I would, you know,
8 put out my hand and if I seen them. But other than that
9 there was nothing else. My tickets, sir, were right by
10 the where the visitors come in and out.
11 Q So you don't remember a beer being -- strike
12 that -- a cup being thrown at Mr. Artest -- strike that.
13 You don't remember a cup hitting
14 Mr. Artest prior to or at any time that night? You don't
15 remember that?
16 A No, I don't remember.
17 Q You don't remember any of the Indiana Pacers
18 players going into the crowd. Is that a fair statement?
19 A No.
20 Q It's a fair statement?
21 A What do you mean by that?
22 MR. CHARFOOS: It's true.
23 Q You have no memory of Indiana Pacers' players
24 going into the crowd, the stands that night; is that
25 correct?

Page 94

1 MR. CHARFOOS: You don't remember?
2 A I don't remember that. I mean I don't --
3 MR. CHARFOOS: You have answered it.
4 Q Do you remember being escorted or at least
5 having contact with an employee at the Palace by the name
6 of Rhonda Wilson or Mary Fields?
7 MR. CHARFOOS: When?
8 MR. POTTER: That night.
9 A Who is Rhonda; employee?
10 Q I'm asking -- strike that.
11 You don't know who she is?
12 A No.
13 Q Do you recall having contact with any Palace
14 of Auburn Hills employees that night?
15 A You mean like talk to them?
16 Q Yes.
17 A I talked to the employees all the time.
18 Q I'm asking if you remember talking to any
19 Palace of Auburn Hills employees on November 19th, 2004?
20 A No, other than in the security room or
21 anything like that.
22 Q Any time, anywhere that night, do you have a
23 memory of that?
24 A No. Other than the guy touched me I don't
25 know if he was an employee or not but he was like,

Page 95

1 grabbed me. That's the only thing.
2 Q Do you remember talking to him?
3 A No.
4 Q Do you remember him talking to you?
5 A No. I know there was somebody in the
6 security room that was, like I was handing my I.D. to
7 somebody but I don't know if it was A.J. or who. After I
8 found out what A.J. told me --
9 MR. CHARFOOS: No, no, that doesn't
10 count.
11 THE WITNESS: Okay.
12 Q Did you review any written material in
13 preparation for your deposition?
14 A Like?
15 Q Such as your Answers to Interrogatories.
16 Such as the Complaint. Such as a police report. Such as
17 statements of the individuals who were there that night.
18 Did you do any of that?
19 A No.
20 Q Have you ever reviewed the police report in
21 this matter that was filed and compiled by the Auburn
22 Hills Police Department?
23 A Yes.
24 Q When?
25 A Probably like a couple weeks later. Just

Page 96

1 maybe people saying, you know, like I know there's two
2 people that said that I was loud, you know, obnoxious and
3 all that but I don't know what their names are.
4 Q Who gave you a copy of the police report?
5 A A good friend.
6 Q Who?
7 A Well, his name is Muke but I don't know his
8 real name.
9 Q How did he get it?
10 A I imagine he's probably worked for them or
11 he's, I think he's under some probation officers. I
12 don't know.
13 Q He works for who?
14 A I don't know. I think his whole family works
15 for -- they're like lawyers and all that. I don't really
16 know. But I know that he's told me. He came in my store
17 maybe a couple weeks later, a couple months later and
18 given me a couple documents.
19 Q Is that Good Times Party Store?
20 A Yes.
21 Q Do you still have those documents?
22 A No.
23 Q What did you do with them?
24 A Threw them away.
25 Q Have you ever reviewed any statements

24 (Pages 93 to 96)

HADDAD

CHARLES HADDAD

3/29/2006

Page 97

1 obtained by Palace Security?
 2 A No.
 3 Q Have you ever reviewed any statements
 4 obtained by the NBA security?
 5 A What NBA security said? There's one that was
 6 in the police report.
 7 Q What did it say?
 8 A I don't really recall. I know it said
 9 something like I was obnoxious. One of them said I was
 10 padding my pocket. They said something, a basketball
 11 player at a Houston game. Other than that, that's it.
 12 There was probably like a couple pages. It wasn't a
 13 whole thick pages. Like my family has all seen that but
 14 they don't want to show it to me.
 15 Q What are you talking about: Houston game
 16 player?
 17 A One of -- well, they're showing me the
 18 report. She was showing me something that showed I was a
 19 bad guy basically.
 20 Q Who, he; Muke?
 21 A Muke, yes.
 22 Q Saying you were a bad guy?
 23 A Just showing me, laughing, like: Look, this
 24 is how you was at the game. And I'm like -- and just
 25 basically showing that I was loud, obnoxious and I was, I

Page 98

1 had no idea who those people was but --
 2 Q I'm not following the Houston game there.
 3 A Houston game is one of the games they're
 4 saying that I said something to a player.
 5 Q Is that true?
 6 A I don't remember it. I mean I might have
 7 said: Hey, what's up, walking by. But I never said
 8 nothing what the guy was saying.
 9 Q What was the guy saying you said?
 10 A I don't know. It's in the police report. I
 11 have no idea. It said something me padding my pockets,
 12 basically making me look bad.
 13 Q Why would padding your pocket make you look
 14 bad?
 15 A I have no idea.
 16 Q Was he talking about you padding your pocket
 17 on the Houston game or on November 19th?
 18 A At the Houston game.
 19 Q As if you had a weapon or something?
 20 A I don't know. Like I read this documents but
 21 it don't really sink in. It's like whatever. I try not
 22 to read what the media says about me or anything.
 23 Q Do you believe you were knocked unconscious
 24 as a result of being hit that night?
 25 A I don't if that's what it means not to

Page 99

1 remember. That's what --
 2 Q Have you reviewed the video tape of yourself
 3 after you were struck by Mr. O'Neal?
 4 A Have I seen it?
 5 Q Yes.
 6 A Yes.
 7 Q Did you see any point in time on that video
 8 tape where you were not moving around? In other words,
 9 laying in an unconscious state. Did you ever see that?
 10 A I haven't watched the video tape in almost
 11 six months, almost probably a year.
 12 Q Do you know what portion of your anatomy was
 13 struck by Mr. O'Neal?
 14 MR. CHARFOOS: Personally do you
 15 know?
 16 Q Where did he hit you on your body?
 17 A Right here.
 18 MR. CHARFOOS: Showing for the
 19 record.
 20 Q "Right here" is you just took your left
 21 hand --
 22 A Probably my left side of my head.
 23 Q Left side of your head?
 24 A Yes. Jaw, face. I don't know really.
 25 Q I'm going to differentiate your face from

Page 100

1 your head, okay. So did he strike you in the face or in
 2 the head, if you know?
 3 A Don't recall. Left side of my head.
 4 Q Why do you say head as opposed to face?
 5 A You talking about Mr. O'Neal?
 6 Q Yes.
 7 A Face, head, maybe face.
 8 Q Left side of face?
 9 A Either one. I don't know. What, you know,
 10 the bottom could be the side, whatever this is.
 11 Q "This" you're referring to the side of your
 12 face is what you're referring to, in the area between
 13 your ear and the corner of your mouth. That's what you
 14 just held your hand up to. Did I just describe that
 15 correctly?
 16 A Correct.
 17 Q That's where you believe you were hit by
 18 Mr. O'Neal?
 19 A They don't let me watch the tape. I really
 20 don't know. I know it's somewhere in the left side of my
 21 head or my face. I don't remember exactly where it was.
 22 Q I'm going to read to you something from a
 23 report. No, I'm not going to read it. I'm just going to
 24 ask you a question.
 25 Do you recall speaking to a Palace

25 (Pages 97 to 100)

HADDAD

CHARLES HADDAD

3/29/2006

Page 101

1 employee in the security office with Mr. Shackelford?
 2 A Do I recall?
 3 Q Yes.
 4 A Do I remember that?
 5 Q Yes.
 6 A Very little, little but it's --
 7 Q Do you recall denying medical treatment in
 8 the security office?
 9 MR. CHARFOOS: What does that mean?
 10 Not wanting?
 11 Q You declined to accept medical treatment at
 12 the security office. Do you remember that?
 13 MR. CHARFOOS: Do you remember that?
 14 THE WITNESS: No.
 15 Q Do you recall being loud in the security
 16 office?
 17 A No.
 18 Q Do you recall being on the phone in the
 19 security office telling someone: Just say you're my dad,
 20 quote/unquote?
 21 A Just say you're dad? Was I talking to my
 22 dad?
 23 Q Were you telling somebody on the phone: Just
 24 say you're my dad, quote/unquote? Do you recall that?
 25 And then again saying just say you are my dad

Page 102

1 quote/unquote?
 2 A Just say you are my dad? I don't recall
 3 that.
 4 Q You don't think that happened?
 5 MR. CHARFOOS: That's a different
 6 question.
 7 MR. POTTER: I know. That's why I
 8 asked.
 9 Q You don't think that happened?
 10 MR. CHARFOOS: Don't guess.
 11 A No, I don't.
 12 Q Why don't you believe that happened?
 13 A I don't remember that happened.
 14 Q Why wouldn't you believe that happened?
 15 A I might have had --
 16 MR. CHARFOOS: He's not going to
 17 answer that.
 18 THE WITNESS: I know --
 19 MR. CHARFOOS: Stop, stop.
 20 Q If you don't have a memory and somebody said
 21 you did this, why would you say you don't believe it?
 22 A Because I wouldn't say. But I know that next
 23 day that my brother-in-law or that night my
 24 brother-in-law said you were saying something about my
 25 dad or something. I was calling him dad or calling him,

Page 103

1 calling him -- I think was Terry or something. I don't
 2 know.
 3 Q So you remember calling?
 4 A I remember him telling me this like a month
 5 later. He didn't tell me that night.
 6 Q Do you recall calling anybody -- strike that.
 7 Do you recall calling your mother-in-law
 8 or brother that night?
 9 A I remember people calling me.
 10 Q On what?
 11 A On what? My phone.
 12 Q Your cell phone?
 13 A Yes.
 14 Q Who called you on your cell phone?
 15 A Probably everybody.
 16 Q Do you remember who called you on your cell
 17 phone?
 18 MR. CHARFOOS: When; when are we
 19 talking about?
 20 Q In the security office. That's the whole
 21 point you're talking about. We're in the security
 22 office. We haven't left.
 23 A Oh, okay. No.
 24 MR. CHARFOOS: Do you remember
 25 anybody calling you in the security office?

Page 104

1 THE WITNESS: I remember people
 2 like -- no, I don't. I mean.
 3 Q Do you recall who called you on your cell
 4 phone at any time that night?
 5 A See, this is different. You telling me --
 6 Q I'm taking you out of security.
 7 A You're telling me people called me and then
 8 again people tell me they called me. But do I remember?
 9 No, I don't.
 10 Q I didn't tell you anything. I'm asking you:
 11 Do you remember anybody calling you on your cell phone at
 12 any time that night?
 13 MR. CHARFOOS: Do you remember?
 14 THE WITNESS: No, I don't remember.
 15 No, I don't.
 16 MR. CHARFOOS: Listen to the
 17 question.
 18 Q Do you recall a Palace employee asking you
 19 why you were telling somebody -- strike that.
 20 This is back in the security office. Do
 21 you recall a Palace employee asking you why you were telling
 22 somebody on the phone to identify himself as your father?
 23 A No, I don't.
 24 Q Do you recall laying down on the floor in the
 25 security room?

26 (Pages 101 to 104)

HADDAD

CHARLES HADDAD

3/29/2006

Page 105

1 A Do I recall, remember?
 2 Q Yes.
 3 A No, I don't.
 4 Q Do you recall getting up from the floor of
 5 the security room?
 6 MR. CHARFOOS: Let's take a break.
 7 (Brief recess.)
 8 Q I think when I left off I was asking you
 9 whether or not you remembered laying on the floor in the
 10 security office and you said no; is that correct?
 11 A Yes.
 12 Q Do you recall jumping up off the security
 13 office floor when the security officer or Palace employee
 14 walked in and saying quote: Sorry, I didn't know it was
 15 you, unquote. Do you recall that?
 16 A No.
 17 Q Do you recall, I'm just going to take a wild
 18 shot at this, do you recall talking to your buddy in the
 19 security office about --
 20 A Do I recall anything in the security office?
 21 No.
 22 Q Pardon me?
 23 A The only thing I remember in the security
 24 office is me somehow handing my I.D. -- if it was my
 25 I.D. -- to somebody.

Page 106

1 Q See, I talked to this employee from the
 2 Palace.
 3 A Okay. Who is this employee again?
 4 Q Rhonda Wilson.
 5 A The lady?
 6 Q It's a lady.
 7 A Okay.
 8 Q And she is going to paint a picture that you
 9 and your pal A.J. were, for the most part, concocting
 10 your alleged loss of consciousness and that you were fine
 11 and when she left the room, she comes in, you're laying
 12 on the floor. And A.J. is allegedly working on you and
 13 then miraculously you jump up when she walks in. None of
 14 that happened?
 15 A I don't recall any of that.
 16 Q No?
 17 A I don't recall.
 18 Q Why would you think a Palace employee would
 19 invent a story?
 20 MR. CHARFOOS: You may not answer the
 21 question.
 22 Q Let me ask it this way. Do you believe that
 23 Rhonda Wilson has any ill will towards you?
 24 MR. CHARFOOS: Stop. First,
 25 foundation. Does he know her?

Page 107

1 THE WITNESS: No.
 2 MR. CHARFOOS: He's not going to
 3 answer any further questions about it. Why haven't
 4 we received a copy of that?
 5 MR. POTTER: I don't know. Because
 6 it's in the Auburn Hills Police Department file.
 7 MR. CHARFOOS: First time I have
 8 heard that.
 9 MR. POTTER: Bate stamp 273 and it's
 10 a Palace Security.
 11 MR. CHARFOOS: I believe you have
 12 such a document.
 13 MR. POTTER: It's a Palace Security
 14 document signed by Rhonda.
 15 MR. CHARFOOS: Rhonda?
 16 MR. POTTER: Rhonda.
 17 MR. CHARFOOS: Good old Rhonda.
 18 Okay.
 19 A Who? There was an officer that got the
 20 police report.
 21 Q Pardon me?
 22 MR. CHARFOOS: There's no question.
 23 Q Do you recall speaking to an Auburn Hills
 24 Police Department officer at the hospital?
 25 A No.

Page 108

1 Q Do you recall asking the Auburn Hills Police
 2 -- strike that. You don't recall. Okay. Strike that.
 3 Do you recall being photographed by your
 4 family in the emergency room?
 5 A No.
 6 Q Do you recall Mr. Shackelford making
 7 statements about retaining an attorney?
 8 A No. My dad took a picture I think when I was
 9 outside the hospital but other than that.
 10 Q Why did he take a picture of you; do you
 11 know?
 12 A He told me. I don't know where the pictures
 13 are at.
 14 Q Pardon me? He told you about what?
 15 A When I was walking out into the lobby and I
 16 think it was -- like I said, my brother and my
 17 brother-in-law, Kris, and my father and probably my mom
 18 and my dad is like: Let me see your face or just turn.
 19 Q You recall that, huh. What did your face
 20 look like?
 21 A I don't remember.
 22 Q Have you seen the picture?
 23 A No.
 24 Q Have you ever blacked out from drinking at
 25 any time in your life prior to November 19th, 2004?

27 (Pages 105 to 108)

HADDAD

CHARLES HADDAD

3/29/2006

Page 109

1 A No.
 2 Q Prior to November 19th, 2004, did you ever
 3 have any memory loss that you attributed to drinking?
 4 A No, sir.
 5 Q How did you do in school? I know you didn't
 6 finish but how did you do? What kind of student were
 7 you?
 8 A I was good in most part but I didn't finish
 9 high school.
 10 Q When you say "good" what do you mean? What
 11 kind of grades did you get?
 12 A When I was at school I did passing.
 13 Q Let's talk about grade school. What kind of
 14 grades did you get in grade school?
 15 A Passing.
 16 Q Does that mean Cs or Ds?
 17 A Cs, Ds. Whatever passing was.
 18 Q Cs and Ds?
 19 A Yes.
 20 Q Yes?
 21 A Yes.
 22 Q What about junior high or middle school. I
 23 don't know what they called it. When you were there what
 24 kind of grades did you get in middle, high?
 25 A Passing when I was there.

Page 110

1 Q Cs and Ds?
 2 A Cs and Ds.
 3 Q In high school what kind of grades did you
 4 get there, Cs and Ds?
 5 A I thought that's what they were talking
 6 about.
 7 Q I said junior high or middle school.
 8 A Elementary goes to sixth. In elementary I
 9 passed everything. In middle school I passed everything.
 10 In high school I was, failed most of the classes toward
 11 the end of the year.
 12 Q What years; your junior year?
 13 A By like year two, years, the last two years I
 14 was there.
 15 Q Why were you failing classes, do you know?
 16 A I wasn't there most of the time.
 17 Q Why weren't you there?
 18 A Just missing. I mean I dealt with high
 19 school and that was it.
 20 Q You voluntarily skipped classes or your
 21 parents let you stay home and not go to school?
 22 A No, I was either late or like being late to
 23 classes. They suspend you.
 24 Q Why weren't your parents -- strike that.
 25 Were your parents involved with you in

Page 111

1 trying to correct that situation?
 2 A Yes, they was.
 3 Q Was it corrected?
 4 A Most part, yes. I left school. I didn't go
 5 to that school no more.
 6 Q Did you go to another school?
 7 A I started doing home schooling.
 8 Q Who did that with you?
 9 A Myself.
 10 Q You home schooled yourself?
 11 A Basically get on the internet. You can do
 12 classes on the internet. I went to another school, which
 13 was Birch Run High School, but other than that.
 14 Q When were you at Birch Run High School?
 15 A I was there for about a week.
 16 Q What happened there?
 17 A I left.
 18 Q Did you have any physical -- I asked you
 19 before what your health was and you said excellent. So I
 20 assume you didn't have any physical problems that
 21 prohibited you from learning; is that correct?
 22 A Correct.
 23 Q Did you have any problems of any type that
 24 prohibited you from learning?
 25 A No. In high school I was, you know.

Page 112

1 Q I don't know. You got to tell me.
 2 A Basically, you know, I wasn't really caring
 3 about high school. I was young but at this point now
 4 it's like I grew up and the high school, the high school
 5 stuff I dealt with it and I moved on. That's why, that's
 6 when I started concentrating more into the family
 7 business, working. Forget about myself.
 8 Q As far as you know you had no condition or
 9 anything that inhibited your ability to learn?
 10 A In high school, no.
 11 Q At any time in your life?
 12 A No, no.
 13 Q Prior to you seeing Dr. Sewick had you ever
 14 undergone any testing to assess your cognitive abilities?
 15 By that I mean your ability to think and to measure your
 16 IQ. Did you ever have any testing like that that you
 17 know of?
 18 A No. Maybe only thing I ever did was speech
 19 class when I was in third grade. No, nothing.
 20 Q So you never remember undergoing any testing
 21 in grade school, middle school or high school that the
 22 purpose of which was to ascertain or determine what your
 23 capacity to function from an IQ standpoint was?
 24 A Is that including doing having any extra like
 25 -- explain that a little bit.

28 (Pages 109 to 112)

HADDAD

CHARLES HADDAD

3/29/2006

Page 113

1 Q When I was in school a long time ago we had
2 stuff called Iowa tests. Everybody went through it.
3 That testing was to determine where we fell when measured
4 against other students. We were average. We were above
5 average. We were below average type thing. It's like
6 you're measuring your ability to think and reason against
7 other kids.

8 Do you ever recall any testing like that
9 while you were in Chesaning School District or Birch Run or
10 wherever?

11 A No.

12 MR. CHARFOOS: How did you guys do?
13 (Brief recess.)

14 A You're saying like stay after school?

15 Q No, we didn't stay after class. It was done
16 during the day. I'm not saying when. I just wonder if
17 you underwent any testing.

18 A No. I went to extra classes if I got in
19 trouble but other than that, nothing.

20 Q You were charged with a crime arising out of
21 what happened on November 19th, correct?

22 A Correct.

23 Q That charge was what?

24 A For the -- I have to think of it.

25 Q Was it a trespassing charge?

Page 114

1 A Trespassing.

2 Q Because they say you violated a city
3 ordinance in coming onto the floor at the Palace,
4 correct?

5 A Correct.

6 Q You plead no contest I assume to that or did
7 you plead guilty to that?

8 A No contest.

9 Q So you received a sentence for that, correct?

10 A Yes.

11 Q Have you completed that sentence?

12 A Yes.

13 MR. CHARFOOS: Are you still on
14 probation?

15 THE WITNESS: Yes.

16 Q How long does your probation run for?

17 A I don't remember. It's like next year
18 sometime.

19 Q Is it a reporting probation?

20 A Mail in.

21 Q Do you know who your P.O. is?

22 A Every other month is.

23 Q Do you know who your P.O. is?

24 A I got her number if you need it.

25 Q Do you have her name?

Page 115

1 A Beth. I report every --

2 MR. CHARFOOS: You have answered.

3 MR. APKARIAN: Beth what?

4 THE WITNESS: I don't remember her
5 last name, sir.

6 Q You said you saw something from, something
7 that Muke gave you about making you out to be a bad
8 person at the Palace?

9 A Yes. He's a good customer.

10 Q He's a good customer of what; the store?

11 A He's a good customer of the store and he came
12 in to show it to me.

13 Q Good Times?

14 A Yes.

15 Q I'm going to read you a paragraph from a
16 document. It says --

17 MR. CHARFOOS: Date?

18 MR. POTTER: It's not relevant.

19 Q I'm just asking going to ask you if you agree
20 with what I'm going to read to you.

21 "Mr. Haddad is usually drunk at every
22 game and he always uses foul language, which is
23 directed at the opposing team's players. He is
24 consistently spilling beer on himself, other
25 patrons' chairs and over the railing onto the

Page 116

1 visitor's tunnel area."

2 Is that you?

3 A No. Shouting to players but I never --

4 MR. CHARFOOS: You answered the
5 question.

6 A No swear words or anything like that.

7 Q Can you think of a reason why Palace
8 employees would describe you in the manner I just read
9 prior to November 19th, prior to November 19th, 2004?

10 A No.

11 Q Are they lying, in your opinion?

12 MR. CHARFOOS: He's not going to
13 answer that.

14 MR. POTTER: He can't tell me whether
15 he thinks that they're lying?

16 MR. CHARFOOS: A person he does not
17 know has written something he does not agree with
18 is lying or not.

19 Q Let me ask it this way. Do you think it
20 wasn't true?

21 MR. CHARFOOS: You just asked him.
22 It wasn't him.

23 MR. POTTER: I'm asking him if he
24 believes what they wrote is not true. It's a
25 different question.

HADDAD

CHARLES HADDAD

3/29/2006

Page 117

1 A I have been to games and I have been
2 drinking. But, you know, probably yelling because -- but
3 I was, never would hurt or yell at somebody in a
4 different way to hurt somebody's feelings or anything
5 like that.
6 Q So what they wrote wasn't true then?
7 A What do you consider true? You said
8 drinking.
9 Q I'll read it again.
10 A I was drinking at some of the games, yes.
11 Shouting, yes, but you say swearing? No.
12 Q I'll read it again.
13 "Mr. Haddad is usually drunk at every
14 game and he always uses foul language which is
15 directed at the opposing team's players."
16 A No.
17 Q Is that true?
18 A No.
19 Q (Reading):
20 He is consistently spilling beer on
21 himself, other patrons' chairs and over the railing
22 onto the visitor's tunnel area.
23 Is that true? Consistently spilling
24 beer on yourself?
25 A No.

Page 118

1 Q Other patrons, meaning other fans. Is that
2 true?
3 A Consistently; like do it a lot? No, it's
4 not.
5 Q Chairs and over the railing into the visitor
6 tunnel area. Is that something you consistently did?
7 A No.
8 Q Did you ever do it?
9 A Don't remember.
10 Q On November 19th, 2004, do you remember being
11 told by Palace Security officers on your way to the floor
12 to stop and not go out onto the floor?
13 A No, I don't.
14 Q If they say that they did that would you have
15 any reason to disbelieve them?
16 MR. CHARFOOS: He's not going to
17 answer the question. You keep making him guess on
18 what happened and not happened that he doesn't
19 remember. He will not answer.
20 Q I'll ask it this way.
21 If a Palace employee is going to testify
22 that they gave you a direct order not -- to stop and not to
23 go out on the floor, would they be lying?
24 MR. CHARFOOS: He won't answer. He
25 won't know. He has no memory. He so testified.

Page 119

1 Off the record.
2 (Off the record discussion.)
3 MR. POTTER: I'm going to pass.
4 MR. CHARFOOS: Our understanding is
5 that this man over here, Potter is his name, has
6 tendered any further quote/unquote liability
7 questions to the rest of counsel assembled. We
8 will then come on a different day to be agreed
9 upon, wherein you will cover his medical; whereby
10 implications his damages and I guess any other
11 damages he has that would be relevant to your
12 questions on damages, which would be economic, the
13 stress, suffering, other things people have when
14 they get smacked in the face.
15 MR. POTTER: Right. So let me just
16 conclude. I don't want -- I may have some
17 questions after these gentlemen go too but only on
18 liability.
19 Q Since November 19th, 2004, have you spoken to
20 anybody who has identified themselves to you as an
21 employee of the Indiana Pacers basketball team?
22 A No.
23 Q Have you spoken to any players on the Indiana
24 Pacers basketball team since November 19th, 2004?
25 A No.

Page 120

1 MR. POTTER: I'm going to pass the
2 Witness. Thanks.
3 E X A M I N A T I O N
4 BY MR. HAMIDI:
5 Q Mr. Haddad, my name is Frank Hamidi.
6 Hopefully I just have a few questions for you.
7 MR. CHARFOOS: Who do you represent?
8 Tell him, please.
9 Q I represent Jermaine O'Neal.
10 Mr. Haddad, can you tell me who you are
11 suing in this lawsuit?
12 A Everybody.
13 Q Who is everybody?
14 A Jermaine O'Neal. Anthony Johnson. And
15 Indiana Pacers.
16 Q Do you know when you made a decision that you
17 wanted to sue these three entities?
18 A No. Like a month, couple months later. I
19 don't know.
20 Q When you say "a couple months later" couple
21 months later from?
22 A I really don't remember. Maybe a month,
23 month later.
24 Q You said you're still on probation from the
25 incident that occurred at the Palace in November, 2004.

30 (Pages 117 to 120)

HADDAD

CHARLES HADDAD

3/29/2006

Page 121

1 Is that right?
 2 A I don't remember.
 3 MR. CHARFOOS: You didn't hear the
 4 question. You're getting tired.
 5 Speak up.
 6 Q You're on probation currently; is that
 7 correct?
 8 A Yes.
 9 Q Can you tell me what the terms of your
 10 probation are?
 11 A I know it was like, there's anger management.
 12 Language management. Substance abuse. I had to do some
 13 community service work. And --
 14 MR. CHARFOOS: Travel.
 15 THE WITNESS: Yes.
 16 A Can't leave the state without permission.
 17 Q Anything else?
 18 A And if there's any convictions or anything
 19 happens I have to check in with the security or with the
 20 probation officer.
 21 Q Is that arrests or convictions?
 22 A Anything more than like a civil or a
 23 criminal.
 24 Q How long is your probation; what is the term?
 25 A Two years, sir.

Page 122

1 Q Assuming that you meet all the requirements
 2 of your probation then you will be off as of what date?
 3 A I don't remember the day. Next year
 4 sometime.
 5 Q You described a few items for me. I would
 6 like to get some clarification on what you mean by some
 7 of these items. Anger management; are those courses?
 8 A Yes.
 9 MR. CHARFOOS: Why are we going into
 10 his probation? I am going to instruct right now, I
 11 have been told by his criminal attorney, he's not
 12 going to go into his criminal terms. He's still
 13 under probation. Just -- the players couldn't
 14 testify with the criminal case pending against
 15 them. Probation is not relevant to this case.
 16 He's not claiming damages for --
 17 MR. HAMIDI: Are you instructing him
 18 not to answer?
 19 MR. CHARFOOS: I'm telling you we're
 20 not going into the terms any further than what he
 21 has told you.
 22 MR. HAMIDI: If he's taking classes
 23 that have to do with anger management and substance
 24 abuse and there any other issues that --
 25 MR. CHARFOOS: You lost me

Page 123

1 completely. If you can, get the records.
 2 Q Mr. Haddad, you can answer my question if you
 3 understand it.
 4 MR. CHARFOOS: What is your question?
 5 Q You indicated that one of the terms of your
 6 probation is anger management. Is that a counseling
 7 session?
 8 MR. CHARFOOS: Did you go to one?
 9 THE WITNESS: Yes, I did.
 10 Q How often did you go?
 11 A They're over.
 12 Q How many times did you go?
 13 A I don't recall. It's like multiple times.
 14 It's more than two or three times.
 15 Q Was it once a week?
 16 A I don't remember.
 17 Q Do you know who gave the program, who
 18 counseled you?
 19 A No, I don't.
 20 Q In terms of the substance abuse --
 21 A That was like eight or ten weeks or so.
 22 Q Eight or ten weeks, once a week?
 23 A Yes.
 24 Q As part of your probation are you drug tested
 25 regularly?

Page 124

1 A Yes.
 2 Q How often?
 3 A Well, I think the substance abuse I get
 4 tested randomly. It's like check if I was drinking or
 5 doing any drugs, coke or meth or anything. I don't know.
 6 Q What are the terms of your travel
 7 restrictions; you're not allowed to leave the state?
 8 A Without permission.
 9 Q Have you left the state since you have been
 10 on probation?
 11 A Once or twice.
 12 Q Did you receive prior permission to do so?
 13 A Yes, yes.
 14 Q Did you successfully complete both the
 15 management and substance abuse programs?
 16 A I completed everything, sir, yes.
 17 Q You finished all your community service?
 18 A I completed everything.
 19 Q You talked a little bit about your schooling
 20 in Chesaning. I think you indicated the last couple of
 21 years you were there, you skipped school a couple times
 22 or didn't attend regularly; is that right?
 23 A I did what, sir?
 24 Q You did not attend school regularly in the
 25 last couple years of Chesaning High School.

HADDAD

CHARLES HADDAD

3/29/2006

Page 125

1 A I didn't attend as much as I could.
 2 Q What does that mean?
 3 A Well, I was suspended a lot. Maybe, I don't
 4 know, couple days a week.
 5 Q Couple days a week you were suspended or
 6 couple days a week you chose to skip school?
 7 A I never chose to skip school. I was always
 8 in sports.
 9 Q You think you averaged about two days a week
 10 you were suspended from school; is that fair?
 11 A One, one day a week.
 12 Q One day a week. Would that have been for the
 13 last two years you were attending at Chesaning?
 14 A No, that was probably for the last year. I
 15 had a bad name in that school and that's why I was kind
 16 of disagreeing with a lot of the teachers and the
 17 teachers basically just all you can do is, I would take
 18 time off for awhile. I didn't think that school was
 19 trying to teach me to learn so I went to Birch Run.
 20 Q What were some of the reasons or what were
 21 all of the reasons if you remember that caused you to be
 22 suspended from school?
 23 A I don't remember.
 24 Q Were you suspended for being late to school?
 25 A Yes. That's, that was a big one.

Page 126

1 Q Were you ever suspended for not showing up to
 2 school altogether?
 3 A No, not that I remember.
 4 Q Were you ever suspended in school for
 5 fighting?
 6 A No.
 7 Q Were you ever suspended in school for arguing
 8 with teachers?
 9 A I don't remember what I was suspended from
 10 school. There might have been marked off. I don't, I
 11 don't remember.
 12 Q Have you ever been in any kind of a physical
 13 altercation on the grounds of Chesaning High School?
 14 A I don't remember. I played football but I
 15 mean --
 16 Q I'm not talking about something that is
 17 sanctioned by the school.
 18 A Like a fight or something?
 19 Q That's right.
 20 A I was never suspended for fighting, like
 21 physical fighting.
 22 Q Have you been suspended for any kind of
 23 fighting?
 24 A Not that I remember.
 25 Q Well, you clarified and said that you haven't

Page 127

1 been suspended for physical fighting. Is there some
 2 other kind of fighting you're thinking of?
 3 A They can put whatever they want on their
 4 discipline slip. It could have been it was most
 5 outrageous stuff ever. I could have thrown a pencil and
 6 they said I threw a pencil and did something else. There
 7 was multiple things that they did that I never did.
 8 Q What were some of the things other than
 9 throwing a pencil?
 10 A I'm just saying. I never really did throw a
 11 pencil. I'm just saying I don't remember the history.
 12 Q I think you indicated some of the things that
 13 they were writing, some were pretty outrageous. What
 14 were some of the things they were writing up about you?
 15 A I don't know.
 16 Q You don't have a memory of it?
 17 A No, no.
 18 Q You currently have a driver's license?
 19 A Yes.
 20 Q Any restrictions on the license?
 21 A No.
 22 Q Has your license ever been suspended?
 23 A Yes.
 24 Q How many times?
 25 A Probably once. It was for speeding.

Page 128

1 Q Do you know how many points you have on your
 2 license right now?
 3 A No, I don't.
 4 Q Do you know how many points you had on your
 5 license in November, 2004?
 6 A No.
 7 Q Did you have a valid driver's license in
 8 November, 2004?
 9 A Don't remember.
 10 Q Has your driver's license ever been revoked,
 11 not just suspended?
 12 A I don't know. I don't know like.
 13 Q Have you ever retained an attorney to help
 14 you to get your license reinstated?
 15 A I don't remember. I don't know. I mean --
 16 Q Have you ever been to court?
 17 A For my license. I mean I been to court for
 18 speeding tickets but I don't remember going to court for
 19 my license, to get it back.
 20 Q Did a judge in a courtroom setting ever tell
 21 you that you're not allowed to drive a vehicle for a
 22 certain period of time?
 23 A Yes.
 24 Q How much did that happen?
 25 A That happened once.

HADDAD

CHARLES HADDAD

3/29/2006

Page 129

1 Q What court was that?
 2 A Flint. I don't know what the court is. That
 3 I remember Flint.
 4 Q Do you have an idea approximately when that
 5 occurred?
 6 A No, I didn't. I don't. Maybe when I was 17,
 7 18.
 8 Q You think that was related to speeding?
 9 A It wouldn't be. I don't know. I don't, I
 10 don't remember. It might be for speeding. It might be
 11 for the M.I.P.
 12 Q Are you still a Pistons fan today?
 13 A Of course.
 14 Q Did you watch the game last night?
 15 A Yes.
 16 Q Who did they play last night?
 17 A Dallas.
 18 Q Do you know who won the game?
 19 A Detroit.
 20 Q The section that your seats were in at the
 21 Palace, do you have a memory of what that was in 2004?
 22 A That night?
 23 Q Yes.
 24 A Of that, yes. It was behind the backboard.
 25 Q When you say "that night" your seat number

Page 130

1 and location didn't change from game to game, did it?
 2 A That night I traded somebody.
 3 Q Okay. Do you know what section you were in
 4 that night?
 5 A Same seat.
 6 Q You were in the same section that your season
 7 tickets were in, correct?
 8 A Yes.
 9 Q But you were in a different seat within that
 10 section, correct?
 11 A No. The person that was by me, we traded
 12 tickets for that night.
 13 Q Why did you do that?
 14 A Because I think he was -- he was either where
 15 my seat was. He was whatever. I don't really remember
 16 but I know I had two extra tickets for that night.
 17 Q How many tickets in total did you have?
 18 A Well, I had my two original seats, which me
 19 and A.J. sat in. And then I had two other seats.
 20 Q Where did you get the extra tickets from?
 21 A There was a guy that we traded every game.
 22 And whoever my buddies was at the game.
 23 Q Who did you give the two tickets to that were
 24 extra?
 25 A Don't remember.

Page 131

1 Q Did you know them before the game?
 2 A Well, I know who sat, like I know like that
 3 Courtney, I was saying she was there. I seen her at the
 4 game. I don't remember her sitting by me. I don't know
 5 her, like me selling them to her or giving them to her or
 6 whatever. I don't recall.
 7 Q When did you give her the tickets?
 8 A I don't recall giving her the tickets is what
 9 I'm saying. I don't know if it was her, I sold her or I
 10 gave them to somebody or anything.
 11 Q So the night that the incident occurred at
 12 the Palace you weren't sitting in the seats that were
 13 your regular season tickets?
 14 A I was sitting in the seats.
 15 Q You were?
 16 A Yes.
 17 Q I thought you told me you were traded and you
 18 weren't sitting in the seats?
 19 A No, I gave him some other game tickets. Next
 20 day I was going on vacation. I think it was maybe a
 21 couple games after that. And I traded him and I got two
 22 of his tickets. But me and A.J. was sitting in our
 23 original seats and I'm thinking it was probably for
 24 somebody but I don't remember who. I'm thinking it was
 25 probably Courtney or somebody that wanted to go.

Page 132

1 Q Do you know what row number your season
 2 tickets were in?
 3 A No, I don't, sir.
 4 Q Do you know if you were -- you're familiar
 5 with that section; is that correct?
 6 A Yes, I'm familiar with the section. Yes.
 7 Q Were you closer to the top level of that
 8 particular section or were you closer to --
 9 A I was right next to the tunnel.
 10 Q You were right next to the tunnel. But in
 11 terms of going back from the court were you halfway back
 12 from the court, all the way back from the court in that
 13 section, third of the way back?
 14 A I was probably maybe --
 15 Q Maybe you can do it by rows. How many rows
 16 back?
 17 A I don't know, maybe five or six.
 18 Q You're pretty close to the court?
 19 A Yes.
 20 Q Maybe would you say 20 feet back from the
 21 court?
 22 A Possibly, yes.
 23 Q Do you have a recollection of the foul that
 24 occurred between Ben Wallace and Ron Artest right before
 25 everything kind of blew up at the Palace?

33 (Pages 129 to 132)

HADDAD

CHARLES HADDAD

3/29/2006

Page 133

1 A No, I don't remember.
 2 Q You have told us today that you have very
 3 limited recollection of some of the things that happened
 4 that night at the Palace. Is that kind of a fair
 5 restatement of your testimony?
 6 A Yes.
 7 Q In terms of the things you don't remember, if
 8 there are other witnesses at the scene who do have a
 9 memory and who observed certain things occurring that
 10 night, you would have no way of being able to tell if the
 11 witness was accurate in what they were saying or totally
 12 inaccurate in what you're saying because you simply don't
 13 remember outside of the few things you testified to?
 14 MR. CHARFOOS: No. Whoa, whoa, whoa.
 15 There's a video. The way you phrase your question,
 16 I strongly suggest you rephrase it.
 17 MR. HAMIDI: This is all based on his
 18 memory, that's it. As you sit here today you have
 19 a limited -- alluded today numerous times about him
 20 not having a memory of certain events. I'm asking
 21 him right now, right now if he has by his own
 22 memory, not refreshed by any memories or documents,
 23 whether he could refute the memory of what somebody
 24 said that night based on his memory.
 25 Q Can you do that?

Page 134

1 MR. CHARFOOS: Can -- do you
 2 understand the question?
 3 THE WITNESS: No, I don't.
 4 MR. CHARFOOS: It's an argumentative
 5 question, Counsel.
 6 Q You have talked about several items that you
 7 have a vague recollection of --
 8 A I remember being at the game.
 9 Q Okay.
 10 A Walking into the doors. I remember there was
 11 a basketball game. Again, helped up. And like, and like
 12 a lot of -- if I didn't see this video it would have been
 13 a lot easier.
 14 But before the video it was -- I don't
 15 really remember anything but just by watching on TV but just
 16 by watching TV you can't help it because it was on TV all
 17 the time. But I'm like -- it's real hard to answer your
 18 questions.
 19 Q So it's fair to say that outside of the few
 20 things you testified today that you do have a memory of,
 21 unless you saw the video you wouldn't be, have to
 22 remember, have an uninterrupted memory of what happened
 23 that night; is that fair?
 24 A Again, I don't. You want me to say that I
 25 don't? Repeat that answer one more time.

Page 135

1 Q If your memory isn't refreshed or you don't
 2 watch a video of what occurred that night, outside of the
 3 few things that you testified to that you do remember,
 4 you can't piece together that entire night for me based
 5 on your memory, can you?
 6 A No. What I testified was or what I said here
 7 today, that's the very little things I remember.
 8 Q I understand. Do you remember if the night
 9 of the incident was a cool night outside, if it was warm
 10 out; do you have any memory of that?
 11 A No.
 12 Q Do you remember if you were wearing a jacket
 13 that night?
 14 A No, I -- the only thing I remember it was
 15 dark. That's it.
 16 Q Do you have any memory of what you were
 17 wearing at all?
 18 A Other than on the tape, no.
 19 Q I'm just talking about your memory as you sit
 20 here today.
 21 A No, I don't remember, sir. It's --
 22 MR. CHARFOOS: You have answered it.
 23 A It's hard.
 24 Q Do you want to clarify something?
 25 A No. Once again, I said it's hard to

Page 136

1 remember, when you see it, watch it on TV. If I didn't
 2 watch it, it would be easier. That's why I'm doubting.
 3 Q Were your season tickets located in section
 4 107?
 5 A I don't remember. If you show me on the map.
 6 All I know it was behind the backboard.
 7 Q Behind the backboard. Was it near one of the
 8 tunnels that accesses the court?
 9 A Yes.
 10 Q Do you know if the Pistons walk through that
 11 tunnel or was that a visitor tunnel?
 12 A They both did.
 13 Q They both went through that tunnel when
 14 they're accessing the court?
 15 A Like when the game starts.
 16 Q Well, between when the game starts at half
 17 and at the end of the game is the visiting team and the
 18 Pistons going in and out of the same tunnel area?
 19 A No, just the away team.
 20 Q That's the tunnel you were sitting next to or
 21 nearby?
 22 A Yes, but the Pistons have been but that is
 23 the visiting tunnel I think.
 24 Q Are you permanently barred from the Palace?
 25 A From my probation I can't go to the Palace,

34 (Pages 133 to 136)

Page 137

1 yes, sir.
2 Q Has the Palace told you you're barred from
3 the premises?
4 A Yes. They have told me but I mean --
5 MR. CHARFOOS: Hold it. You have no
6 question.
7 A Yes.
8 Q Do you want to clarify something?
9 MR. CHARFOOS: No.
10 A No.
11 Q What has the Palace told you?
12 A They have sent me a letter but other than
13 that I don't know if they sent me another letter. May.
14 I mean they send me stuff in the mail all the time about
15 Palace events. They send me a letter all the time saying
16 you are banned but then again they send letters for me to
17 come for different events or any new event that comes out
18 there. So really I don't know 100 percent.
19 MR. POTTER: Marketing doesn't know
20 what security is doing.
21 THE WITNESS: Huh?
22 MR. CHARFOOS: Marketing doesn't know
23 what security is doing. They still have different
24 departments.
25 Q Have you had any alcohol since you have been

Page 138

1 on probation?
2 MR. CHARFOOS: Why would you ask that
3 question?
4 MR. HAMIDI: I just want to know.
5 Are you instructing him not to answer?
6 MR. CHARFOOS: He's on probation.
7 He's not going to answer it. He's still on
8 probation. He's not going to answer that question,
9 sir.
10 MR. HAMIDI: You want to instruct him
11 not to answer that question?
12 MR. CHARFOOS: Yes. You go ahead.
13 MR. HAMIDI: You are instructing him
14 not to answer?
15 MR. CHARFOOS: Yes. He's on
16 probation. He can't answer it.
17 MR. HAMIDI: As long as I have it on
18 the record, you're instructing him. We just make a
19 record of that. I don't want to fight with you.
20 MR. CHARFOOS: Okay.
21 Q Do you have a recollection whether any of the
22 spectators in seats surrounding you threw anything onto
23 the court? Do you have any memory of that?
24 A Repeat that one again, sir.
25 Q There were fans sitting around your seats.

Page 139

1 You weren't sitting there alone in the entire section in
2 the Palace during the game November, 2004?
3 A I mean I don't remember like if there's
4 people was around or not.
5 Q You don't know if there were dozens of people
6 sitting in the seats around you?
7 A I imagine there probably was, yes.
8 Q You don't have a memory of it?
9 A Not really.
10 Q Back when you were at Chesaning High School,
11 were there one or two teachers that you particularly had
12 issues with or that you felt were holding a grudge
13 against you or --
14 A No.
15 MR. HAMIDI: That's all I have for
16 the time being. If you want to ask questions.
17 MR. SANO: Can we take a break?
18 MR. POTTER: Sure.
19 (Brief recess.)
20 E X A M I N A T I O N
21 BY MR. SANO:
22 Q Afternoon, Mr. Haddad. We're back on the
23 record.
24 MR. HAMIDI: Three more and I will be
25 done completely. I just have a few more questions

Page 140

1 and I will be done for the day.
2 THE WITNESS: Okay.
3 R E - E X A M I N A T I O N
4 BY MR. HAMIDI:
5 Q During the course of the game on
6 November 19th, do you have any memory of moving closer to
7 the court, at any point during the game moving closer in
8 seats if there were any empty seats in front of you? Do
9 you have any memory of that?
10 A I mean if there's seats available.
11 MR. CHARFOOS: Do you have any memory
12 of it?
13 Q I just want to know if you have any memory of
14 that specific night, not what you would ordinarily do.
15 A I don't, sir.
16 Q You mentioned having two credit cards. You
17 mentioned canceling your Mastercard?
18 A Yes.
19 Q Are those credits cards in your name?
20 A Yes.
21 Q Your name only?
22 A Yes.
23 Q You have a telephone; is that correct? You
24 gave us your cell phone earlier. Is that the one and
25 only cell phone you have?

HADDAD

CHARLES HADDAD

3/29/2006

Page 141

1 A I have a bunch of prepaid but I don't know
 2 their numbers.
 3 Q What do you mean by prepaids?
 4 A Prepaid phone.
 5 Q Do you use those regularly?
 6 A Yes.
 7 Q Prepaids?
 8 A I don't know any of the numbers. I use that
 9 as my most everyday phone.
 10 Q What is the service provider on those phone?
 11 A Boost.
 12 Q B-o-o-s-t?
 13 A (Nods.)
 14 Q They're all under Boost?
 15 A Yep.
 16 Q How did you come about getting those prepaid
 17 phones in your --
 18 A In our business we sell cell phones.
 19 Q Are they promotional?
 20 A No. When we get some activated we get a free
 21 card with them. So that's why I use those minutes up.
 22 Try to save money, you know.
 23 Q All right. Do you have any -- do you own any
 24 Piston memorabilia; jerseys?
 25 A Yes.

Page 142

1 Q How many jerseys do you have?
 2 MR. CHARFOOS: Tell him what you got
 3 with the Pistons.
 4 A I don't -- I got like five or six jerseys.
 5 Q Are you partial to any particular player? Do
 6 you have more than one player or is it all the same
 7 player?
 8 A Everybody's jersey. I have probably the
 9 whole starting five.
 10 Q Home and away?
 11 A Probably home and away.
 12 Q Is that the white jersey or the dark jersey?
 13 A I mean probably half and half. I don't know.
 14 I know I have -- there's probably like half of them were
 15 official and half of them were just like whatever
 16 jerseys. I haven't put them on in awhile so I really
 17 don't know.
 18 Q Just a couple more questions. Do you watch
 19 the Pistons as often as you can on TV?
 20 A Yes.
 21 Q You follow the team?
 22 A What I could, yes.
 23 Q You know how they're doing this year?
 24 A I don't know what their record is but I know
 25 they're doing pretty good.

Page 143

1 Q Do you know if they're in first place or
 2 third place in the Eastern Conference?
 3 A I don't know.
 4 Q Okay.
 5 A Eastern you said?
 6 Q In the Eastern.
 7 A Yes, I know they're first but I don't know
 8 about the whole league.
 9 Q Do you know if any of the Pistons made the
 10 Allstar Team this year?
 11 A I think every one of them did.
 12 MR. HAMIDI: Okay. That's all I
 13 have. Thanks.
 14 E X A M I N A T I O N
 15 BY MR. SANO:
 16 Q Afternoon, Mr. Haddad. Is it Haddad or
 17 Haddad?
 18 A Haddad.
 19 MR. CHARFOOS: Tell him who you
 20 represent.
 21 MR. SANO: I will. I want to make
 22 sure I'm addressing him proper.
 23 Q My name is Hideaki Sano and I represent
 24 Anthony Johnson. I just have a few questions for you.
 25 You mentioned earlier you were attending

Page 144

1 Chesaning High School and I think the words you used were,
 2 that you said you had a "bad name" at the school; is that
 3 correct?
 4 A Yes.
 5 Q And you described some things that teachers
 6 had written down as outrageous; is that correct?
 7 A I know that I can remember my record and what
 8 they put on my record is kind of too much outrageous.
 9 You know, exaggerating a little bit.
 10 Q You can remember the specific events though
 11 here and there?
 12 A You know, you know, just very little, yes.
 13 Q Can you give me anything as you sit here
 14 because you said very little?
 15 A No, I can't.
 16 Q I take it from the way you described it you
 17 felt that those descriptions were untrue?
 18 A Excuse me?
 19 Q I take it from the way you described what
 20 they have written down that you view those as not being
 21 true, as being false descriptions?
 22 A Maybe. It might be true but it might be a
 23 little bit too, you know, I don't know. I mean I really
 24 don't know how to say it. A lot of it is not true. I
 25 don't know exactly how much.

HADDAD

CHARLES HADDAD

3/29/2006

Page 145

1 Q I'm sorry, I didn't hear.
 2 A A lot that stuff, yes, but a lot of it is
 3 true, yes.
 4 Q So most of it is true but you felt some of it
 5 wasn't true?
 6 A Correct. Because when you fill out a form
 7 they have a bunch of boxes. You put whatever. I never
 8 really looked them over. It got to a point that I kind
 9 of tried to move on with my life.
 10 Q Did you actually gain access to these
 11 records; that they would bring you and show you them?
 12 A Yes, they would give us a copy of them.
 13 Q This would be your parents then when you say
 14 "us"?
 15 A Yes, yes, my parents. They send a copy in
 16 the mail.
 17 Q Why is it you left Birch Run after only one
 18 week?
 19 A Because it was to a point I think I would
 20 rather go to home schooling. I didn't want to have the
 21 time of going to that school and just learning, trying to
 22 get the system back to me. You know, like getting in,
 23 getting ahold of the teachers, making new friends. I
 24 just decided maybe it would be easier to, you know, stay
 25 home and start again myself instead of going there.

Page 146

1 I didn't want to get really too into
 2 school there. I just wanted to go for a couple days. It
 3 was no nothing wrong. I never got in trouble, anything. I
 4 just, I went there and I didn't feel that school, the
 5 teachers were -- actually like their system was different.
 6 Q You just didn't feel comfortable there?
 7 A Just -- not that I know their system. You
 8 know, I know Chesaning had like hours. Like maybe six
 9 classes or so. Birch Run I recall if I, maybe had
 10 shorter classes. You know, something like that it was.
 11 Q You played football at Chesaning High School;
 12 is that right?
 13 A Yes.
 14 Q How many years did you play?
 15 A Three, four.
 16 Q I'm sorry?
 17 A Three, four.
 18 Q Did you play varsity football?
 19 A Yes.
 20 Q What position did you play?
 21 A Defensive tackle.
 22 Q Defensive tackle?
 23 A And offensive tackling.
 24 Q Did you want to go to college and play sports
 25 in college?

Page 147

1 A No.
 2 Q Were you a starter?
 3 A Huh?
 4 Q Were you a starter on the varsity team?
 5 A No.
 6 Q But you were back up?
 7 A Yes.
 8 Q Did you play a lot of games or few games?
 9 A Maybe half of the games I was and half the
 10 games I wasn't. If you didn't come to practice, I know
 11 you probably couldn't play the games.
 12 Q Were you a pretty big sports fan generally?
 13 A Correct.
 14 Q Do you watch all the major sports?
 15 MR. CHARFOOS: Are we changing back
 16 in high school?
 17 MR. SANO: Whenever, back in high
 18 school.
 19 A High school? What I could, yes. If I put on
 20 ESPN and there's something on I watch it, yes.
 21 Q Do you ever see highlights of fans going on
 22 fields in baseball games, football games, basketball
 23 games?
 24 A Going on the field? I mean -- the only one I
 25 remember maybe like a dad and a kid or something at a

Page 148

1 baseball game.
 2 Q The White Sox game?
 3 A I think that was the --
 4 Q Do you remember what happened to the dad and
 5 kid?
 6 A No, I don't.
 7 Q Do you have other activities -- strike that.
 8 You play, you have played at least once
 9 or twice internet poker, right?
 10 A Yes.
 11 Q Do you play other similar games?
 12 A Chess.
 13 Q Chess. Do you play video games?
 14 A I did play Play Station, yes.
 15 Q How often do you play Chess?
 16 A Well, I don't really play no more but I used
 17 to play like every day.
 18 Q This is back in high school or grammar
 19 school?
 20 A High school.
 21 Q Did you compete in Chess or anything like
 22 that?
 23 A No. I actually, you know, like ran the Chess
 24 team in Chesaning.
 25 Q In Chesaning High School?

37 (Pages 145 to 148)

HADDAD

CHARLES HADDAD

3/29/2006

Page 149

1 A Yes. And middle school too.
 2 Q A.J. who I am using is short for
 3 Mr. Shackelford Shackelford, you said he's one of your
 4 best friends; is that correct?
 5 A Yes.
 6 Q Would you say he knows you pretty well?
 7 A Most part, yes.
 8 Q You guys have known each other for a pretty
 9 long time?
 10 A Correct, correct.
 11 Q You're close friends?
 12 A Correct.
 13 Q Do you think you can -- I'm sorry. Strike
 14 that.
 15 Do you feel like you knew him personally
 16 pretty well?
 17 A I know him.
 18 Q Do you know him personally pretty well?
 19 A Somewhat.
 20 Q He knows you too you would think?
 21 A Yes.
 22 Q Let's go to the brawl at the Palace, if you
 23 want to call it that. Just to be clear. Do you remember
 24 anything at all about Anthony Johnson?
 25 A No.

Page 150

1 Q Nothing; you don't remember seeing him?
 2 A I don't even know who he was.
 3 Q Okay. Now that you know who he is, do you
 4 remember seeing that individual?
 5 A Before?
 6 Q No, during the evening of the brawl at the
 7 Palace, November 19th.
 8 A Do I know who he was now or before? Before I
 9 didn't even know who he was.
 10 Q Do you have any memory of seeing him on that
 11 night?
 12 A No. I didn't even know there was an Anthony
 13 Johnson even exist.
 14 Q But I guess what I'm saying is now that you
 15 know there's an individual named Anthony Johnson and you
 16 know -- do you know there's an individual named Anthony
 17 Johnson now?
 18 A Now?
 19 Q Yes.
 20 A Yes.
 21 Q Do you know what he looks like?
 22 A Yes.
 23 Q I'm just trying to tie up some things here.
 24 So now that you know who he is and you know what he looks
 25 like, do you remember seeing that individual on the night

Page 151

1 of November 19th?
 2 A No, I don't.
 3 MR. SANO: I think I'm good actually.
 4 R E - E X A M I N A T I O N
 5 BY MR. POTTER:
 6 Q In high school, how did you get along with
 7 the other students?
 8 MR. SANO: Off the record.
 9 (Discussion held off the record.)
 10 Q How did you get along with the other kids in
 11 high school, other students at Chesaning?
 12 A Good.
 13 Q In the Chess club, you said you ran Chess
 14 club. How large a club was that?
 15 A Whoever wanted to come by.
 16 Q Was that something --
 17 A It was during school, probably during.
 18 Q You stopped playing Chess when you left high
 19 school though?
 20 A Couple years after.
 21 Q The Chess club, was it a sanctioned event or
 22 was it just kids found a room and did it after school or
 23 was there an actual club that you held some kind of
 24 office in?
 25 A I don't recall if it was a club or I don't

Page 152

1 know. I know --
 2 Q Well, let's assume for the benefit of the
 3 doubt there was a Chess club and you, as you indicated,
 4 you said you pretty much ran it. Besides football and
 5 Chess --
 6 A I asked the teachers if I can actually do
 7 something involving Chess.
 8 Q Besides football and Chess, did you have any
 9 other extracurricular activities in high school or any
 10 office, such as a class officer, or anything like that?
 11 A Was I ever in a class office?
 12 Q Yes.
 13 A Class President.
 14 Q What year was that?
 15 A I think was my junior year going to, into my
 16 senior year or maybe my sophomore into my junior, one of
 17 the two.
 18 Q You were elected class President, by your
 19 fellow students?
 20 A Yes.
 21 MR. CHARFOOS: Thought you would
 22 never ask.
 23 MR. POTTER: You wanted me to know
 24 that?
 25 MR. CHARFOOS: Yes.

38 (Pages 149 to 152)

HADDAD

CHARLES HADDAD

3/29/2006

Page 153

1 MR. POTTER: I already knew it.
 2 MR. CHARFOOS: You already knew it?
 3 Q Did you serve that term out as class
 4 President for that year?
 5 A No. That's what the whole thing was. That's
 6 why I got, kind of got into a disagreement with the
 7 teachers.
 8 Q What happened?
 9 A I really don't remember. Like a teacher told
 10 me to do something and didn't discuss it or something. I
 11 don't know. Oh, I think it was -- I didn't finish
 12 something on time when he told me to finish it. It was
 13 all right or something. It was something little and I
 14 didn't finish it, no.
 15 Q Because you didn't finish it they stripped
 16 you of your presidency?
 17 A They took it away, yes.
 18 Q Did you have to meet a basic grade point
 19 average to be class President?
 20 A No.
 21 Q So you could be failing most of your classes
 22 and still be class President?
 23 A Yes.
 24 Q Was that your situation; you were failing
 25 most of your classes?

Page 154

1 A I don't remember.
 2 Q So being class President would have been a
 3 popularity contest?
 4 A No.
 5 Q What was the criteria to be class President
 6 then if it was something other than being voted on by
 7 your schoolmates?
 8 A That's something that people advise that
 9 represented their class.
 10 MR. POTTER: Thanks.
 11 R E - E X A M I N A T I O N
 12 BY MR. HAMIDI:
 13 Q If I get this out of me now I don't have to
 14 ask it later.
 15 Mr. Haddad, just one question about your
 16 employment with your father at Good Times. What exactly do
 17 you do? What is the scope of your responsibility?
 18 MR. CHARFOOS: When; before or after?
 19 Q Before the incident in November of 2004.
 20 A I would basically work. I was basically
 21 working the whole store, whatever was needed.
 22 Q We don't have the store in front of us.
 23 A Basically the store has a deli. There's a
 24 till. There's cellular part. I would go in there about
 25 nine, ten o'clock or nine o'clock. Whatever time the

Page 155

1 drivers the next day would have the schedule, Budweiser
 2 driver would come. At a certain time I would be there,
 3 take their order, check inventory, go prep the pizza
 4 counter, do whatever was needed. My parents, they would
 5 pay me on whatever they felt was needed.
 6 Q So did you have responsibility for if --
 7 A I took responsibility for the whole store.
 8 Q So you ran the cash, the cash register?
 9 A Correct.
 10 Q You were responsible for ordering inventory?
 11 A Correct.
 12 Q You contacted suppliers if you needed more
 13 supplies, the whole thing?
 14 A Yes.
 15 Q Dealt with customers?
 16 A Yes.
 17 Q Then with respect to the cell phone business,
 18 is that a sales business?
 19 A Yes.
 20 Q You're selling cell phones to your customers?
 21 A Accessories, cell phone.
 22 Q Were you the primary person responsible for
 23 that aspect of the business?
 24 A No, my dad was the whole store.
 25 MR. CHARFOOS: No, for the cell phone

Page 156

1 business, were you the primary person who sold
 2 most?
 3 A Yes, me, yes.
 4 Q Since November, since the incident in
 5 November, 2004, are you still the primary person that
 6 sells cell phones?
 7 A People recommend, ask for me all day but
 8 usually they have to take a message and I would have
 9 them, have one of my employees deal with the customers.
 10 MR. HAMIDI: Okay. I think that's
 11 all I have.
 12 MR. CHARFOOS: Are we done? A date
 13 to be agreed upon. We can't do it now, can we?
 14 MR. POTTER: No, I can't. I don't
 15 have one of those things.
 16 (Deposition adjourned.)
 17 * * *
 18
 19
 20
 21
 22
 23
 24
 25

HADDAD

CHARLES HADDAD

3/29/2006

Page 157

1 CERTIFICATE OF NOTARY PUBLIC

2 State of Michigan)

) SS.

3 County of Wayne)

4 I, the undersigned, do hereby certify that the
5 witness, whose attached testimony was taken before me in
6 the above-entitled matter, was by me first duly sworn to
7 to testify to the truth; that the testimony contained
8 herein was by me reduced to writing in the presence
9 of the witness by means of stenography; afterwards
10 transcribed; and that this is a true and complete
11 transcript of the testimony given by the witness.

12 I do further certify that I am not
13 connected by blood or marriage with any of the parties;
14 their attorneys or agents; that I am not an employee
15 of either of them; and that I am not interested, directly
16 or indirectly, in the matter in controversy.

17 In witness whereof, I have hereunto set my
18 hand.

19
20 _____
Nikki Hatz, CSR-2377

Certified Shorthand Reporter

21 Notary Public, Oakland County

My Commission Expires: December 9, 2007